

COUNTY OF MONTEREY PLANNING COMMISSION

January 25, 2023

AGENDA ITEM NO. 4



Additional Correspondence

PLN100338 - Signal Hill LLC (Mehdipour Massy)

From: [Payvand Kadivar Gruin](#)
To: [293-pchearingcomments](#)
Subject: APPROVE Massy's Project - Planning Commission Hearing January 25, 2023 Agenda Item # 4 (PLN100338 - SIGNAL HILL LLC)
Date: Wednesday, January 25, 2023 8:57:17 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

County of Monterey Planning Commission:

Please approve the Massy Mehdipour project at your hearing on Wednesday. It is reprehensible and unconscionable what the government, aided and abetted by another property owner, has done to Massy over the last decade. She has been trying to get a permit to build a new single-family home for over 13 years!

There are people building new homes all over the place around her and with far greater FAR than her. You just approved a neighboring project with a 14% FAR and Massy's is 8.5% FAR.

How can the government treat one property owner so differently than others? I will say she might be the only woman landowner building one of these homes. Hopefully, the mistreatment is not because of that.

The neighbor has been using an assortment of delay tactics over the years, with the historical non-sense, just being one of many.

It is long long long past time to approve the project!

Regards,

Payv Gruin

From: [Payvand Kadivar Gruin](#)
To: [293-pchearingcomments](#)
Subject: Please approve the Massy Mehdipour project
Date: Wednesday, January 25, 2023 8:56:41 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

County of Monterey Planning Commission:

Please approve the Massy Mehdipour project at your hearing on Wednesday. It is reprehensible and unconscionable what the government, aided and abetted by another property owner, has done to Massy over the last decade. She has been trying to get a permit to build a new single-family home for over 13 years!

There are people building new homes all over the place around her and with far greater FAR than her. You just approved a neighboring project with a 14% FAR and Massy's is 8.5% FAR.

How can the government treat one property owner so differently than others? I will say she might be the only woman landowner building one of these homes. Hopefully, the mistreatment is not because of that.

The neighbor has been using an assortment of delay tactics over the years, with the historical non-sense, just being one of many.

It is long long long past time to approve the project!

Regards,

Payv Gruin

"it's not the years in your life, but the life in your years that counts."

From: [David Scott Carlick](#)
To: [293-pchearingcomments](#)
Subject: I SUPPORT Massy Mehdi pour Project (Agenda Item # 4, PLN100338)
Date: Wednesday, January 25, 2023 7:56:12 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I have known Massy for two decades, and admire her greatly.

I have visited her homes including the home being reviewed.

Massy has very refined architectural tastes, and hires the world's best architects to achieve them. I have no doubt she will build a house that will become a treasured part of the community.

This obstruction has delayed her efforts far too long. Please vote to end the delay and approve the fabulous home she plans to add to her community

Respectfully,

David Carlick
ping@davidcarlick.com
+1.650.823.8175

From: [Mike Clair](#)
To: [293-pchearingcomments](#)
Subject: Planning Commission Hearing January 25, 2023 Agenda Item # 4 (PLN100338 - SIGNAL HILL LLC) - Massy House
Date: Tuesday, January 24, 2023 5:50:08 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Commissioners-

Now that the HHRB, and the Planning Department Staff Report, have BOTH recommended APPROVAL of the petition to tear down the dilapidated old house, and replace it with a beautiful new home, I trust there is no other reason you can come up with to deny Ms. Mehdipour's Signal Hill home.

Thank you for finally making the right and legal and positive decision in this matter to approve the complete demolition of the existing house, and replace it with Ms. Mehdipour' beautiful design.

Thank you.

Michael Clair
Monterey County

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



January 24, 2023

Francisco Mendoza, Chair
Monterey County Planning Commission
1441 Schilling Place
Salinas, CA 93901

Subject: **Signal Hill LLC (PLN100338)**

Dear Chair Mendoza and Members of the Planning Commission,

Please accept these comments on the January 25th Planning Commission agenda item no. 4 (PLN100338, Signal Hill LLC). We apologize for the late submittal; however, we did not receive the 10-day written notice of the hearing (required by Section 20.84.040) until Thursday, January 19th.

Coastal Commission staff acknowledge that this project has a long history, including a long history of comments from us, as well as conversations between us and Monterey County Planning staff. Our focus has been the sensitive biological resources on the site, namely that the entire undeveloped portion of the parcel is dune ESHA. Consistent with Coastal Act ESHA policies, existing policies in the Del Monte Forest LCP limit development within ESHA to those uses which are dependent on the resource and require that for remnant native sand dunes specifically, uses shall be limited to low-intensity scientific, educational, or recreational activities dependent on the resource (i.e., not residential expansion). The expansion of residential development, a non-resource dependent use, such as is proposed here, is not permissible under the LCP at this time.

However, the Signal Hill dunes were subdivided for residential use prior to the Coastal Initiative (Proposition 20 in 1972) and the Coastal Act (1976), including Coastal Act Section 30240, the purpose of which is to protect ESHA, and there is a well-established pattern of residential development within the dunes. The County has received a number of CDP applications in the recent past for expansions and demolition/rebuilds of existing residences that involve expansion into the dunes. Because single-family residences are not resource dependent, an inherent problem exists with these policies as applied in this area. Technically speaking, such expansion of a non-resource dependent use is inconsistent with the LCP.

Given all this, to address projects like the one before you today, we have discussed with Monterey County Planning staff the need to update and clarify the Del Monte Forest LCP to create a set of standards for allowable disturbance and restoration on existing

Signal Hill LLC (PLN100338)

residentially-zoned parcels in the Signal Hill dune ESHA (see attached emails). This approach would be modeled after the LCP amendment (LCPA) approved in 2017 for existing residentially-zoned parcels in Monterey cypress ESHA in the Del Monte Forest, wherein clear parameters were established for development on both existing developed lots and undeveloped ones. In addition to the Monterey cypress standards, the Commission has adopted similar policies for the neighboring City of Pacific Grove that strike a balance between maximizing dune habitat protection and accommodating reasonable residential use on pre-existing subdivided parcels in the Asilomar Dunes area.¹

We believe that a similar approach as was approved in Monterey cypress and Asilomar Dunes would be appropriate for the Del Monte Forest portion of the Asilomar Dunes complex in the Signal Hill area given the similar existing pattern of residential lots and residential development. We have supported this approach on at least one project (Abercrombie PLN100612), and have indicated to the County that such approach should be codified into the LCP to explicitly address projects like the one before you today.

In closing, clear policy that lays out standard rules for development, redevelopment, and restoration within Signal Hill dune ESHA is necessary to protect this sensitive dune resource, avoid ambiguity, and prevent unnecessary appeals to the Coastal Commission. Such an amendment would address projects like the one before you today, and Coastal Commission staff remain ready and willing to work on such an LCP amendment with Monterey County Planning staff.

Sincerely,

Breylen Ammen

Breylen Ammen
Coastal Planner
Central Coast District Office

Attachment

¹ To minimize disturbance to the sensitive dune and related habitats, the total maximum lot coverage is limited to 15 percent of the total lot area with an additional 750-square foot outside use area, all of which is defined in a residential development envelope. All other areas of the lot outside the residential development envelop must be preserved as dune habitat, including through restoration/enhancement as necessary to ensure maximum feasible habitat value. The Pacific Grove LCP also requires all areas of *new* dune coverage shall be required to be mitigated on a 2:1 square foot basis by providing for off-site restoration or enhancement of degraded dune areas.

Butler, Katie@Coastal

Subject: RE: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

From: Watson, Michael@Coastal
Sent: Tuesday, August 21, 2012 11:58 AM
To: 'Robinson, Delinda x5198'
Subject: RE: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Hi Delinda, I sent over a copy of a staff report a couple weeks ago that illustrates the Commission's current practice for protecting dune esha in PG. Aside from limiting overall site coverage and requiring both on-site and off-site restoration (or in-lieu fee), what I think is important are the findings in support of an approach which on balance is most protective of dune resources. For example, we would expect to see findings that acknowledge the site as esha but also recognize that the areas has been subdivided and zoned for residential use, and that there is a tension between resource protection and authorizing a reasonable use of the site. This last bit is the important part and what I think Dan has been pushing the County to develop more fully. In my mind, this means developing reasonable standards for residential development, maybe along the lines of our approach in PG (15% total impervious coverage, restore remaining 85%, and off-site restoration (or in-lieu fee) for any new coverage over existing conditions), along with the findings necessary to explain why the strict prohibition on development in esha is not appropriate in this instance (ie, past county decisions have been all over the place, this is an attempt to standardize approach including wrt to coverage limits, restoration requirements, etc). And finally, a finding that indicates the approach also is intended to lay the groundwork for future amendments to the LCP. I think that's about it. If you have any questions, give me a call or email. Mike

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Watson, Michael@Coastal
Sent: Monday, August 06, 2012 3:22 PM
To: 'Robinson, Delinda x5198'
Subject: RE: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Delinda, the Abercrombie staff report findings especially the finding on "reasonable development" is not adequate to avoid an appeal including because it does not address other LCP restrictions on development in ESHA (ie, development must be resource dependent, must avoid ESHA, must fully mitigate all impacts). In this particular case, I don't think these criteria have been met. We've done quite a bit of work in PG developing a program which I think balances the need to allow a non-resource dependent use in ESHA with the resource protection goals of the LUP and Coastal Act. I've attached a copy of a recent staff report for your review and consideration. Given a similar context in Pebble Beach, including with respect to pre-coastal subdivided lots and residential zoning within the dunes, it would be wise to follow what the Commission has acted upon in Asilomar as the model for future development in PB (and for updating the LCP). This includes placing a limit on overall coverage in the dunes (15% in Asilomar), requiring restoration of the remaining balance of dune via a native dune restoration plan, formally protecting the restored dune area via an easement or similar legal instrument, and mitigating for permanent loss of dune habitat over existing conditions. This last piece appears to be missing from the conditions. Further, it will also be important to make the findings that the project is consistent with what is being done elsewhere. That said, I don't know what you want to do for Wed hearing, but a brief delay to get this right seems a small price to pay to avoid an appeal and to set up a program for future projects in the pipeline (eg, Mediphour). Let me know. Mike

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office

725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Robinson, Delinda x5198 [<mailto:robinsond@co.monterey.ca.us>]
Sent: Wednesday, July 25, 2012 11:17 AM
To: Carl, Dan@Coastal
Cc: Watson, Michael@Coastal
Subject: RE: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Thanks. I'll get hold of Mike. "Technically on vacation" means don't look at your work e-mails. Grab a beer and relax!

*Delinda Robinson
Senior Planner
Monterey County RMA-Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901
(831) 755-5198*

From: Carl, Dan@Coastal [<mailto:Dan.Carl@coastal.ca.gov>]
Sent: Wednesday, July 25, 2012 11:14 AM
To: Robinson, Delinda x5198
Cc: Watson, Michael@Coastal
Subject: RE: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Hi Delinda,

I am technically on vacation and back Aug 6th. I talked to John about pursuing something similar to CCC approach in Asilomar, including as a jumping off point for potential future LCP amendments related to the dune residential areas of DMF. Mike knows all about that, and can provide you some samples of recent findings which would be the type of findings the County would need to make. Hope that helps. Happy to chat about it when I get back, but Mike can also give you a sense of the Commission's practice in that respect before then if you need. Hope that helps...

Dan

From: Robinson, Delinda x5198 [<mailto:robinsond@co.monterey.ca.us>]
Sent: Tuesday, July 24, 2012 3:33 PM
To: Carl, Dan@Coastal
Cc: Watson, Michael@Coastal
Subject: PLN100338 - Signal Hill LLC Project on Signal Hill in Pebble Beach

Hi Dan,

I had a conversation with John Bridges a couple of weeks ago about projects in the sand dune areas in Pebble Beach. He said that you had asked him to fill me in on what you had agreed to with regard to making findings to allow reasonable development in those environmentally sensitive areas. He represents two of my applicants – Abercrombie and Signal Hill LLC (Mehdipour) and I'm in the process of writing the staff report for Abercrombie. In both cases, the property owners are proposing to add structural coverage outside of the existing footprint but within areas that have previously been disturbed. They're both also proposing to restore the remainder of the property back to dune habitat – most of the dune on both properties is overrun by iceplant and European beach grass. Would you have time to talk to me

about it sometime this week? I'd really be interested to hear your version of your conversations with him and to work with you on making a finding that would be acceptable to you all.

Thanks.

*Delinda Robinson
Senior Planner
Monterey County RMA-Planning Department
168 West Alisal Street, Second Floor
Salinas, CA 93901
(831) 755-5198*

From: [Swanson, Brandon xx5334](#)
To: [Butler, Katie@Coastal](#); [Israel, Mary x5183](#); [Strimling, Wendy x5430](#); [Brayer, Robert I. x5359](#); [Dugan, John x6654](#); [Spencer, Craig x5233](#)
Subject: RE: Mehdipour discussion follow up
Date: Thursday, February 27, 2020 3:44:29 PM

Katie,

Thanks for the follow up, no need to apologize. We'll take this and move forward to finish up the FEIR and on to hearing in the near future.

-Brandon

Brandon Swanson
Interim RMA Chief of Planning
Monterey County Resource Management Agency
1441 Schilling Place - Salinas, CA 93901
Phone: 831-755-5334 - www.co.monterey.ca.us/rma/

From: Butler, Katie@Coastal <Katie.Butler@coastal.ca.gov>
Sent: Thursday, February 27, 2020 3:10 PM
To: Israel, Mary x5183 <IsraelM@co.monterey.ca.us>; Strimling, Wendy x5430 <strimlingw@co.monterey.ca.us>; Swanson, Brandon xx5334 <SwansonB@co.monterey.ca.us>; Brayer, Robert I. x5359 <Brayerri@co.monterey.ca.us>; Dugan, John x6654 <DuganJ@co.monterey.ca.us>; Spencer, Craig x5233 <SpencerC@co.monterey.ca.us>
Subject: RE: Mehdipour discussion follow up

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hi all,

I apologize for my delayed response, but I finally had a chance to discuss internally (including with Dan), and the consensus is that the approach taken for the Abercrombie project is also appropriate for the Mehdipour project. That is, max 15% total coverage/85% restoration (with conservation easement) and offsite restoration (or in-lieu fee). I'm attaching an additional email from Mike Watson to Delinda on the Abercrombie staff report that goes into more detail on what we wanted to see to make sure it was consistent with the Pacific Grove approach. We continue to think that an LCP amendment is needed to put this approach into policy (like the Monterey cypress ESHA amendment), but we would not recommend appeal of CDPs that comply with this. We would appreciate the opportunity to review the draft CDP findings and conditions before you finalize them to make sure we're on the same page.

Thanks, and let me know if there are any questions.
Katie

From: Israel, Mary x5183 [<mailto:IsraelM@co.monterey.ca.us>]
Sent: Friday, January 17, 2020 4:49 PM
To: Strimling, Wendy x5430; Swanson, Brandon xx5334; Brayer, Robert I. x5359; Dugan, John x6654; Spencer, Craig x5233; Butler, Katie@Coastal
Subject: Mehdipour discussion follow up

Good Afternoon,

I have made some notes about the Abercrombie project and am attaching them here. Also, please find the email from Mike Watson to the first project planner about Abercrombie and Mehdipour. The Abercrombie Resolution is attached, and referred to in my notes. Finally, the project re-submittal form came with notes from Bill Bernstein in October 2011 that points out how the project was reduced in response to County concerns. I would like to send these to Katie Butler. Please let me know what you think in the next few working days.

Thanks,

Mary

Mary C. Israel

Associate Planner

Monterey County Resource Management Agency

1441 Schilling Place, 2nd Floor, Salinas CA 93901

Phone: 831-755-5183

RMA [Website](#) & [Accela Citizen Access](#)

From: [Jonathan Haeber](#)
To: [Lundquist, Erik](#); [293-pchearingcomments](#); [Israel, Mary](#); nancy@nancyrunyon.com
Cc: [Cindy Heitzman](#)
Subject: Comment Letter: 1/25/23 Hearing for the Connell House, PLN100338
Date: Tuesday, January 24, 2023 2:04:55 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[2023-01-25_ConnellHouse-Neutra.pdf](#)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Ms. Israel, Mr. Lundquist, Monterey County Planning Commissioners, et al.,
Please find attached a comment letter from The California Preservation Foundation regarding the Connell House, PLN100338

Regards,
Jon Haeber
Field Services Director



**CALIFORNIA
PRESERVATION
FOUNDATION**

101 The Embarcadero, Suite 120 | San Francisco, CA 94105-1215
415.495.0349 x201 p | 510.387.8273 m



"In the end, our society will be defined not only by what we create, but by what we refuse to destroy." – John Sawhill



January 24, 2023

Mary Israel
Senior Planner Monterey County Housing and Community Development
1441 Schilling Place – South, 2nd Floor
Salinas, CA 93901

101 THE EMBARCADERO, SUITE 120
SAN FRANCISCO, CALIFORNIA 94105

415.495.0349
CPF@CALIFORNIAPRESERVATION.ORG
WWW.CALIFORNIAPRESERVATION.ORG

RE: NEUTRA CONNELL HOUSE APPLICATION FOR DEMOLITION - PLN100338

Dear Ms. Israel,

I am writing on behalf of more than 30,000 members and supporters of the California Preservation Foundation to concur with the findings of the Draft EIR prepared by SWCA for the Connell House (1958), a Master work of architecture, designed by Richard J. Neutra.

BOARD OF TRUSTEES

PRESIDENT
Adrian Fine, Los Angeles

VICE-PRESIDENT, PROGRAMS
Trudi Sandmeier, Los Angeles

VICE-PRESIDENT, DEVELOPMENT
Jeffrey Caldwell, Pasadena

TREASURER
Michael Gibson, Esq., Redondo Beach

SECRETARY
Annabel Enriquez, Los Angeles

Carson Anderson, Sacramento
Antonio Castillo, West Hollywood
Rita Cotfield, Southeast Los Angeles
Christina Dikas, San Francisco
Sarah Kozal, Sacramento
Willett Moss, PLA, FAAR San Francisco
Leslie Paloroan, Oakland
Shayne Watson, Mill Valley

The California Preservation Foundation (CPF) is a membership-based organization whose mission is to “provide statewide leadership, advocacy and education to ensure the protection of California’s diverse cultural heritage and historic places.” Since 1977, CPF has assisted thousands of individuals and organizations in their efforts to protect historic and cultural resources throughout California.

Qualified architectural historians from SWCA have identified Alternative 1 (Preservation) as the Environmentally Superior Alternative. We agree with these experts’ conclusions, and we encourage the County and applicant to consider the rarity and value of retaining the only Neutra-designed building in Monterey County, as well as the only Neutra design sited adjacent to the Pacific Coast.

EXECUTIVE DIRECTOR
Cindy L. Heitzman

The Connell House’s significance, both locally and nationally, has already been established when it was determined eligible for listing in the National Register and was listed as a historic resource on the California Register of Historic Resources. The loss of this unique resource would follow a number of other recent losses of Neutra-designed architecture, including the Maslon House and the Cyclorama Building. As Richard Neutra's architect son, Dion stated, "It would be a great tragedy to lose the only authentic Richard Neutra design in all of Monterey County. The Connell House is irreplaceable."

In reviewing the case and the Draft EIR, the California Preservation Foundation wants to make a few points abundantly clear:

Poor Condition Does Not Equate to Poor Integrity

Historic Integrity is defined by the National Park Service as the ability of a structure or site to convey its significance through seven aspects (Materials, Feeling, Association, Design, Workmanship, Location, and Setting). By all accounts, and as reiterated in the Draft EIR, the Connell House retains exceptional Historic Integrity to continue to be eligible for listing in the National Register, despite its deteriorating condition.

Infeasible Mitigation: Replacing a historic residence with a residence designed by a notable architect

We agree with the conclusion of the DEIR that the replacement of the Connell House by a residence designed by another notable architect “does not constitute mitigation that can be considered in the EIR to reduce significant and unavoidable impacts to the Connell House.” For over 40 years, the California Preservation Foundation has been actively involved in the protection of historic and cultural resources in California. We are not aware of any precedence for acceptance of this argument to mitigate impacts from demolition to a level of less than significant. Though there are many examples of sensitive additions to historic buildings, the argument that the demolition of one work of great architecture in place of another cannot be supported.

The DEIR consultant has presented a cogent explanation of the reasons why this is an infeasible mitigation. Simply put: You cannot determine the *historic context and significance* of a structure that has not been built. What remains clear and undisputed is Richard Neutra’s status as a master architect, his contributions to 20th century architecture and the historic significance of the Connell House by virtue of its inclusion on the California Register of Historic Resources and its eligibility for inclusion on the National Register of Historic Places.

Cumulative Effects

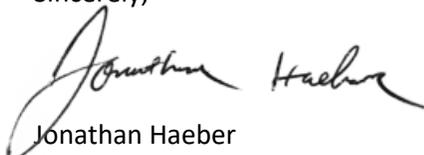
Section 15355 of the CEQA Guidelines state that cumulative effects include “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” The guidelines further state that, “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”

When applied to Neutra’s architecture in California, the cumulative effect of losing the few remaining examples of his work (namely the Largent House of San Francisco, Maslon House of Rancho Mirage, and structures on the Orange Coast College campus of Costa Mesa) amount to a significant effect vis-à-vis the Connell House.

Neutra called himself a “biorealist,” a philosophy which extended to the built environment when he conceived structures that integrated the human relationship with natural surroundings. As Neutra scholar, Barbara Lamprecht has noted, “Neutra truly did walk sites at night, dragging his clients through brush... because ‘architecture wasn’t supposed to be just for the everyday moments in life, but the honeymoon moments as well.’”

Recognizing the Connell House for its rare qualities, and given its rapidly deteriorating condition, we hope the County and applicant will recognize the urgency of protecting this unique treasure of Monterey County, California, and the country. It is a building that any owner should be proud to carry forward as a legacy to future generations.

Sincerely,



Jonathan Haerber
Field Services Director

Cc: Alliance of Monterey Area Preservationists; Eric Lundquist, AICP, Housing and Community Development Director; pchearingcomments@co.monterey.ca.us

LAW OFFICES OF
JENNIFER S.
ROSENTHAL

A PROFESSIONAL CORPORATION

January 23, 2023

Monterey County Planning Commission
Attention: Mr. Francisco Mendoza, Chair
Monterey County Housing and Community Development
168 West Alisal Street
Salinas, CA 93901

RE: Mehdi pour/Signal Hill – PLN100338

Dear Chair Mendoza and Members of the Planning Commission:

My firm represents Anthony Ridder, a homeowner that resides in the vicinity of the Mehdi pour property located at 1170 Signal Hill Drive. Mr. Ridder has owned his home since 2008 and he is concerned about the significant impacts the proposed project will have on the historic, biological, visual, and archaeological resources and the expanded proposed development in the sensitive coastal sand dune habitat that would conflict with the Coastal Act and the Del Monte Forest Local Coastal Plan (DMFLCP). In addition to the above, the applicant has displayed a history of ignoring land use regulations and should not be rewarded with a land use entitlement that carries significant unmitigated impacts simply because the applicant has expressed they will not implement any of the proposed alternatives suggested in the FEIR as stated in the staff report.

To avoid unnecessary duplication, Mr. Ridder adopts the comments provided by Mr. Lombardo on behalf of Mr. and Mrs. Reeves on January 23, 2023, and incorporates them herein by reference.

1. The Connell House is a Significant Historic Resource

In 2010 Dr. Anthony Kirk was hired as a consultant by the applicant and determined the Connell House was historically significant. There is further evidence in the record from the Connell House architect's sons and from Thomas S. Hines, a professor of history and architecture emeritus from the University of California, Los Angeles evidencing the home is a historic resource. In 2011 the Monterey County Historic Resources Review Board (HRRB)

recommended the Connell House as a significant historic resource of the California Register of Historical Resources and in 2014 the State Historical Resources Commission determined the Connell House eligible for the California Register of Historical Resources.

The Monterey County Parks Department also found through interdepartmental review that based upon Dr. Kirk's evaluation, the proposed project which includes demolishing the current 4,124 square foot Connell House and building an 12,000 square foot new home would have significant environmental impacts and under CEQA an Environmental Impact Report (EIR) would need to be completed. The EIR identified the proposed demolition as a potentially significant impact to Historic Resources under CEQA.

CEQA Guidelines Section 15064.5(a)(3) states "...a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources". The Connell House has been recognized as a significant historic resource recognized by the County of Monterey, United States Secretary of the Interior, and State of California.

2. The FEIR Clearly Identifies Feasible Alternatives

The Final Environmental Impact Report (FEIR) identifies ten (10) feasible alternatives for consideration that includes restoring and rehabilitating the Connell House rather than demolishing the historic resource. However the draft resolution proposes findings (overriding considerations) and evidence to support a recommendation from Monterey County Historic Resources Review Board to demolish the property based on overriding considerations. The proposed resolution does not provide a single citation from the record to support the findings of overriding considerations. The statement of overriding considerations must be supported by substantial evidence in the record, yet here, the staff report and resolution fail to provide substantial evidence or other information to the Commissioners so they can make an informed decision. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. See *Bakersfield Citizens for Local Control v City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.

The FEIR compares and analyzes the alternatives and concludes the environmentally superior alternative to this project is Alternative 1 – Preservation, as it would avoid significant and unavoidable impacts on historical resources. These alternatives are feasible and would protect resources and meet most of the applicant's intentions. Furthermore, the record is vacant of any evidence the proposed alternatives are no longer feasible aside from staff's statement that "there are economic, legal, social, technological, and other factors applicable to this project that outweigh the significant impacts to historic resources in this case." Pages 3 and 4 of the Staff Report published January 17, 2023. The record is void of substantial evidence to support

Staff's conclusion. See *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal App 4th 587, 594.

3. The Proposed Project is not Compatible with Other Homes in the Area

The average home in Signal Hill is roughly 4,200 square feet and currently the largest in the area is just over 5,400 square feet. The proposed project is designed to demolish a 4,124 square foot home and build a new 12,000 square foot home with over 2,600 square feet of covered terraces. The proposed structure is close to 300% larger than the current home on site. The new proposed footprint will extend into slope area and coastally sensitive sand dunes in the vicinity of the project. The site is largely visible from 17 Mile Drive and constitutes a ridgeline development. The new home would be built by the architectural firm of Ricardo Legoretta. Structures built by this firm are extremely modern, bright colored, block-like industrial buildings that do not blend into the aesthetics, ocean front and natural forest landscape of 17 Mile Drive. Contrary to the applicant's position, demolition of a historical resource and replacement of that structure with a new, significantly larger structure designed by a well-known architect is not a recognized mitigation measure under CEQA and there is no evidence in the record of a cost comparison analyzing the cost the rehabilitation versus the cost to demolish and build a new home supporting the position that Preservation is not feasible. See *Uphold Our Heritage v. Town of Woodside*, supra at 559.

4. Applicant Has Acted in Bad Faith

Historically the applicant has acted in bad faith and fails to follow the County's and Pebble Beach's regulatory requirements. This was brought to the County's attention in 2012 when the applicant illegally removed several mature, native Monterey Cypress trees and disrupted the sensitive dune habitat so she could argue the buildable area on the lot is larger than it really is. Once the Connell House was determined a historic resource the applicant intentionally neglected the property so she could argue that it is in a dilapidated condition and needs to be demolished. As the record indicates, the historic residence does not need to be demolished. The applicant also argues that the property was "vandalized" after she abandoned the property and left occupancy and she has left it to deteriorate. The property is still abandoned.

Conclusion

The proposed resolution states there are overriding considerations that outweigh the loss of the significant historic resource. However, the resolution fails to cite to or present substantial evidence to support the overriding resolution. Aside from the issue of potentially demolishing a historic resource, this project as presented poses significant issues dealing with ESHA, ridgeline development, development in sensitive coastal sand dunes, public viewsheds obstructed by

large, bright industrial like structures and other related coastal act policies. These issues are discussed in detail by Mr. Lombardo and are incorporated herein by reference.

Based on the information set forth in the record, we respectfully request that the Planning Commission approve Alternative 1 – Preservation of the Connell House. In the event Alternative 1 is not an option because the Connell House cannot be preserved, we request the Planning Commission approve Alternative 6 which would limit the size and scope of the development to the current footprint which would be consistent with the DMFLCP.

Thank you,



Jennifer S. Rosenthal, Esq.

cc: Erik Lundquist
Craig Spencer
Client
Anthony Lombardo

MONTEREY COUNTY PLANNING COMMISSION

January 25, 2023

AGENDA ITEM NO. #4



Additional Correspondence

PLN100338 – Signal Hill LLC

FOR ADDITIONAL INFORMATION CONTACT:

Mary Israel, Project Planner
Monterey County Resource Management Agency
1441 Schilling Place, 2nd Floor South, Salinas CA, 93901
(831) 755-5183 or israelm@co.monterey.ca.us

From: [Quiroz, Sara](#)
To: [293-pchearingcomments](#)
Cc: [Heuck, David](#); [Goldman, Diane](#)
Subject: Planning Commission Date Wednesday, January 25, 2023 9:00 AM Agenda No. 4
Date: Tuesday, January 24, 2023 9:06:40 AM
Attachments: [Ltr Monterey County RMA 1.24.23.pdf](#)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Ms. Israel,

Attached please find a letter from Pebble Beach Company regarding 1170 Signal Hill Drive, Pebble Beach, CA. Please let me know if you have any trouble with the attachment.



Sara Quiroz
Paralegal
Pebble Beach Company
P: (831) 625-8446
www.pebblebeach.com



January 24, 2023

Monterey County RMA - Planning
Attn: Mary Israel, Senior Planner
1441 Schilling Place, 2nd Floor
Salinas, CA 93901

PEBBLE BEACH
COMPANY

RE: 1170 Signal Hill Drive, Pebble Beach (the "Project")

Dear Ms. Israel:

In addition to review and approval by Monterey County, the Project also needs to undergo review and approval by the Pebble Beach Architectural Review Board ("ARB") pursuant to the CC&Rs in all Del Monte Forest deeds. While the Project has not yet been submitted to the ARB for review, we want to comment on certain aspects of the Project, as portrayed in recent media coverage, that may raise concerns with the ARB in the future, and perhaps can be addressed during the County approval process in order to prevent delay during future ARB review.

I understand that the project, as proposed, would nearly triple the size of the existing structure, from just over 4,000 square feet to nearly 12,000 square feet. In some areas of Del Monte Forest, a large new home like this one might fit in, but, in the Signal Hill area, the homes are much more modest in size, so as not to overwhelm the incredible natural setting of the dune-like neighborhood. The size of the proposed home will likely raise concerns with the ARB with respect to the Project's negative impact on both the character of the residential neighborhood and the native dune backdrop.

Additionally, the Project as proposed would almost double the height of the existing low-profile structure, from 16' to 30'. Although homes in this area are technically subject to a 30' height limitation, Pebble Beach Company has an interest in protecting the natural beauty of this section of the world famous 17-Mile Drive on behalf of the hundreds of thousands of visitors who flock to Monterey County annually to admire the coastline and adjacent dunes. A structure looming over the dunes as viewed from the coastal 17-Mile Drive will likely be considered detrimental to the public viewshed, both by the ARB as well as the California Coastal Commission. I believe even the 25' maximum height recommended by staff would make the structure taller than any of the neighboring properties.

Finally, as mentioned above, the incomparable beauty of the 17 Mile Drive coastline is attributable in part to the adjacent native dunes and the coastal species that thrive there. Projects that have the potential to impact environmentally sensitive habitat areas are always subject to enhanced scrutiny by the ARB.

We appreciate your consideration of these potential concerns as you review the project at 1170 Signal Hill Drive.

Sincerely,

David Heuck

Executive Vice President and Chief Administrative Officer

LEGAL AFFAIRS

2845 Congress Road
Pebble Beach, CA 93953
January 23, 2023

Re: County Housing Community Development
Meeting: January 25, 2023 @ 9 am
PLN 100338 – Signal Hill LLC

The subject property was purchased by Massy Mehdipour (hereafter, “Massy”) in 2004. She had become fully aware that the 46 year old house had been poorly designed, was in disrepair and had serious problems of climate control. She, nevertheless, purchased the property because she thought its site was spectacularly beautiful. Her plan, freely recited to the former owners before her purchase, was to remove the house and replace it with a home fully compliant with code requirements and possessing artistic beauty harmonious with its dune habitat surroundings.

After spending considerable time in search for just the right architect, Massy retained a renowned one, Ricardo Legorreta of Mexico City, in 2007. He was selected not only because of his status in the profession (Pritzker Prize, AIA Gold Medal, etc.), but because his architectural style was perfect for the location. He was so engrossed and thrilled by the project, he made three trips to the site from Mexico City, for the purpose of taking samples of dune material in order to arrive at the appropriate color palette. Mr. Bill Bernstein, an architect

who practices in Venice, CA., was retained in 2008 as the “technical architect” to work with Legorreta.

A conceptual design of the house was completed by 2009 and the Application for permit was officially submitted the following year.

Not only did Legorreta’s design comply with all rules and code requirements, the project went beyond that by proposing to convert 1.65 acres of the 2.2 acre site into dune landscape, because the current site had become overrun with non-native ice plant. Importantly, the proposed house will cover only 8% of the lot, just a bit more than *one half* of the code’s maximum of 15% lot coverage. While square footage of the house design totals about 11,000 ft., the building footprint is only about 5,500 sq. ft., as much of the building is in its basement.

Significantly, the new house design does not block the view of any other neighbor as there are no houses on the other side of the street.

Regrettably, Legorreta passed away in 2011. Mr. Bernstein has continued to serve as architect through the present.

In 2013, a neighbor retained Anthony Kirk and legal counsel to assist in obtaining historical registration of the original house and to delay issuance of permit to construct a new one.

In 2015, the house was vandalized, further damaged by a storm and condemned as not habitable.

In 2016, the County’s structural engineer reported that the house had structurally failed, would need to be reconstructed and needed to be abated.

In 2018, a Draft EIR was issued. However, the final EIR was delayed and not issued until November 21, 2022.

Finally, in January, 2023, the HRRB adopted a resolution to recommend approval of the demolition of what remains of the house.

In summary, it has been nearly **19** years since the purchase of the original house, nearly **14** years since the completion of design of the new house and nearly **10** years since the application for permit for the new house was deemed complete. Now, finally, there is agreement the original house should be removed. Therefore, it is entirely reasonable to approve and to issue a permit at this time for Massy to build her dream house. These years of delay have not only forced her to delay construction, but to incur hundreds of thousands of dollars of unnecessary expense. It is time to put a stop to this distress and to issue the construction permit she deserves.

Thank you for your thoughtful consideration of this matter.

Archie S. Robinson



Alliance of Monterey Area Preservationists

January 23, 2023

TO: Francisco Mendoza
Chair, Planning Commission
Monterey County

Board of Directors

Mimi Sheridan, President
James McCord, Vice President
Jeffrey Becom, Vice President
Judy MacClelland, Secretary
Nancy Runyon, Treasurer
Luana Conley
Salvador Munoz
Raymond Neutra
James Perry

RE: PLN100338 Signal Hill LLC (Connell House)

The Alliance of Monterey Area Preservationists (AMAP) strongly urges the Monterey County Planning Commission to support Alternative 1 (Preservation) as the most appropriate option for this project. The FEIR analyzes several approaches to this historic property and identifies this action as the most Environmentally Superior alternative. This choice best recognizes the property's historic significance and minimizes the project's impact.

The historical significance of the Connell House has been well established. The State Historical Resources Commission voted unanimously to list it on the California Register of Historic Resources. The Keeper of the National Register of Historic Places determined that it is also eligible for that register.

The Connell House is an important historical asset to Monterey County and is easily visible from 17 Mile Drive. A Mothball Agreement was signed in 2015, yet the owner continued to let it deteriorate. The proposed demolition would clearly be a significant impact that cannot be mitigated to a less than significant level.

Allowing demolition of the house would set a very unfortunate precedent by telegraphing to property owners that they can simply ignore their historic property until it is so deteriorated that it has to be razed.

We urge the Planning Commission to support Alternative 1, which has been identified as the Environmentally Superior alternative.

Mimi Sheridan

President
mimisheridan@msn.com

AMAP, a 501(c)3 corporation dedicated to the appreciation and preservation of the Monterey Area's historic assets for public benefit, supports activities that interpret and share our rich cultural heritage with residents and visitors and encourages them to be advocates for ideas that contribute to the understanding of our cultural, ethnic, artistic, & architectural legacy.

From: [Angela Love](#)
To: [Spencer, Craig](#)
Cc: [Magana, Sophia](#); [293-pchearingcomments](#)
Subject: Signal Hill, LLC (Mehdipour)/PLN100338
Date: Monday, January 23, 2023 3:43:26 PM
Attachments: [L-PC.01.23.23.pdf](#)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Mr. Spencer:

Attached for consideration by Chair Mendoza and Members of the Planning Commission is correspondence from Mr. Lombardo dated today (January 23rd, 2023) regarding the above item which is on Wednesday's agenda. This is being sent by email only. If you have any problems opening up the attachment, please let me know.

Sincerely,

Angela M. Love
Legal Assistant to Anthony L. Lombardo
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
144 W. Gabilan St.
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
Email: angela@alombardolaw.com

PRIVILEGED & CONFIDENTIAL -- ATTORNEY CLIENT PRIVILEGE -- ATTORNEY WORK PRODUCT

The information contained in this electronic transmission is legally privileged and confidential, and it is intended for the sole use of the individual or entity to whom it is addressed. If you are not the intended recipient, please take notice that any form of dissemination, distribution or photocopying of this electronic transmission is strictly prohibited. If you have received this electronic transmission in error, please immediately contact Angela Love at (831) 751-2330 or angela@alombardolaw.com and immediately delete the electronic transmission.

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

January 23, 2023

Our File No: 1599.001

Francisco Mendoza, Chair
Monterey County Planning Commission
Monterey County HCD
1441 Schilling Place
Salinas, CA 93901

RE: Signal Hill, LLC (Mehdipour)/PLN100338

Dear Chair Mendoza and Members of the Planning Commission:

We represent Sam and Betsy Reeves. Their home is next door to the property where the applicant proposes to demolish the Connell House, which has been recognized as a significant historic resource recognized by the County, United State Secretary of the Interior, and State of California. The applicant proposes to build a nearly 15,000 SF home, including 2,600 SF of covered terraces, more than three times the average house size on Signal Hill (4,200 SF). The house that is proposed would be built in environmentally sensitive habitat (ESHA) and would extend beyond the existing developed area in conflict with policies of the Del Monte Forest Local Coastal Plan (DMFLCP) and the Coastal Act. The house would also constitute ridgeline development and would require development on slopes over 30%.

There are two issues:

- Should the Connell House, a recognized historically significant resource, be demolished?
- If it is to be demolished, is the pending application consistent with the Local Coastal Program and compatible with other homes in the neighborhood as required by the County's zoning ordinance?

BACKGROUND

This application has been in process for more than 12 years. There is a great deal of history so the background is important for a full understanding of the issues.

The applicant purchased the property in 2004. The applicant was, according to testimony in previous hearings, unaware the Connell House was historically significant and was apparently unaware of the limitations to development in ESHA. From 2004-2010, the Connell House was periodically lived in and rented.

In 2009, the owner was cited by the County (CE090788) for the removal of two mature Monterey cypress trees, sand dune degradation and the extensive trimming of other Monterey cypress. An after the fact permit (PLN100418) was approved by the Planning Commission on August 29, 2012, subject to 8 conditions. A review of Housing and Community Development's (HCD) on-line permit tracking system (Accela) on January 23rd showed the condition (Condition 4) for restoration of the trees and dunes still has only partially been met (Exhibit A). The location of the landmark trees that were illegally removed happened to coincide with the location of the 15,000 SF home proposed by the applicant. One of the replacement trees is dead.

The application before the Commission was filed in November 2010. The application, which was for the demolition of the Connell House and construction of a 15,000 SF replacement house, materials included a report from the applicant's historical consultant, Dr. Anthony Kirk, concluding the Connell House was historically significant as the work of Richard Neutra. The Historic Resources Review Board (HRRB) found the Connell House eligible to be listed on the County's Register of Historic Places in August 2011. As a result, an Environmental Impact Report (EIR) was required for the demolition of the Connell House. The Connell House was subsequently found to be eligible for the National Register of Historic Places and is listed on the State Register of Historic Places.

In December 2010 HCD (then RMA) wrote to the applicant (Exhibit B) advising the applicant HCD could not support the application and a hearing would be set before the Planning Commission with a recommendation for denial. HCD also gave the applicant the option to proceed with the preparation of an EIR. The applicant requested the application not go forward at that time. Ultimately after a long delay the applicant agreed to the preparation of an EIR. The Notice of Preparation was filed in February 2015 some 42 months after the HRRB concluded the Connell House was eligible for listing which confirmed the need for an Environmental Impact Report (EIR).

In the intervening 42 months there were reports of the house being vandalized and intentionally left to deteriorate as well as the house being illegally occupied. Damage included broken windows and doors left open resulting in further deterioration of the home. There were also claims that the "vandals and vagrants", equipped with power saws and chainsaws, did extensive damage to the structure of the Connell House. In April 2015 HCD wrote to the owner (Exhibit C) that "as a historical resource, improvements must comply with Department of Interior standards...the house must be maintained in a manner which precludes leaks, and protects the interior of the residence from weather...this is not happening...the structure is being allowed to deteriorate which is a violation of the County Code."

Minimal work was subsequently done to "stabilize" the severely damaged house. A Mothball Plan was prepared and approved by the HRRB in August 2015. The applicant appealed that approval to the Board of Supervisors. The appeal was withdrawn after a stipulated agreement (Exhibit D) was reached for the protection of the house. The property owner agreed to implement a Mothball Plan and the Connell House was posted that it was not to be occupied. Since that time, it appears very little work has been done to maintain the house. Doors and windows have been broken and left open. After the electrical service was disconnected from the

Connell house, a surreptitious electrical connection was made to our clients' property without their knowledge in order to steal electricity from our client. The house, despite there being posted for "No Occupancy", has been routinely occupied.

An inspection was done March 31, 2021. An Administrative Citation (Exhibit E, page one only), in addition to the previous Administrative Citations sent December 2013, May 2015, June 2015, was sent to the owner citing:

- Occupied substandard residence without approvals
- Removal of postings without approvals
- Construction without proper permits:
 - Unpermitted bedroom remodel located at the rear residence
 - Garage doors sealed partially converted into a game room
 - Installation of substandard water heater
 - Installation of substandard shower in basement area
 - Makeshift kitchen to include substandard sink
 - Substandard electrical throughout
 - Poles for surveillance cameras
- Accumulation of rubbish and garbage
- Storage of inoperable vehicle
- Expired construction permits 14CP00708, 15CP001387, 15CP01785, 15CP01861
- Property is not in compliance with conditions under 15CP01861

An inspection in June 2022 showed the same violations existed (Exhibit F, 2 pages). To date, those violations have not been corrected.

THE ENVIRONMENTAL IMPACT REPORT BASELINE

Once it was determined by the County an EIR was required, a baseline for the environmental evaluation had to be established¹. Baseline is typically the physical conditions as they exist at the time the Notice of Preparation was published (February 17, 2015). The CEQA Guidelines, however, provide that an earlier date may be used where that date is "necessary to provide the most accurate picture practically possible of the project's impacts...". That is the case here. The County determined in August 2011 an EIR was required. That is the appropriate baseline for this assessment, not 42 months after the County determined an EIR was required during which time the Connell House was "vandalized" and subsequently left to deteriorate.

The EIR must measure the environmental impacts to the home based on its condition before it was "vandalized" not based on what was done to it or allowed to be done to it in the decade since

¹ CEQA Guidelines Section 15125: (1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

the owner was notified the home's demolition would be considered a significant environmental impact.

ALTERNATIVES PRESENTED IN THE FEIR

The CEQA Guidelines provide that a "Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the historic resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (15064.5 (b)(1))." There is no way to mitigate the loss of the resource to an insignificant level, therefore an EIR was required.

The FEIR presents 10 alternatives for consideration. Those alternatives are reviewed in Table 5-1 (Exhibit G) and includes a determination of the feasibility² of each alternative:

- Alternative 1, Preservation: Would include "preserving, repairing, and replacing portions of the structure for single-family occupancy in accordance with the Secretary of the Interior's Standards... *feasible*... would avoid or substantially lessen the significant impact on historical resources... it *would meet most of the Applicant's identified project objectives*." **The FEIR identified Alternative 1 to be the environmentally superior alternative.**
- Alternative 2, Preservation and Adaptive Reuse: "would include ...preserving, repairing, and replacing portions of the structure for an adaptive reuse allowed under the Monterey County Zoning Code". The alternative is *feasible* and contrary to the FEIR's conclusion, public and quasi-public uses, such a library, museum, or school (which would need to be of a limited scale) could be allowed with a coastal development permit.
- Alternative 3, Preservation and Separate Onsite Development: This alternative would include "preserving, repairing, and replacing portions of the structure in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties... a second single-family residence could be developed at a different location..." but would be *inconsistent* with several Land Use Plan policies.
- Alternative 4, Project Integration: "The Connell House structure (or portions of the structure) would be retained and integrated into the design of the new construction ... preserve the Connell House and integrate it into the new design [and] meet most of the Applicant's identified project objectives...[and] would be *feasible*."

² CEQA Guidelines Section 15364 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (Section 15364)."

- Alternative 5, Relocation and Preservation: Based on a structural evaluation completed for the project, relocation of the structure is *not feasible*.”
- Alternative 6: Reduced Project: “Reduce the size of the proposed single-family residence to fit within the existing developed footprint... reduce building heights to avoid any extension above the ridgeline... *feasible* and would *meet most of the project objectives* by providing single-family residential use at the project site of a *size compatible with the surrounding community*... would require demolition of the Connell House and would... not avoid or substantially lessen the significant unavoidable impact to the historic structure.”
- Alternative 7, Neutra-Inspired Redesign: Would “include completely demolishing the Connell House, but would redesign the proposed single-family residence to echo Richard Neutra’s design for the new development... This alternative is *feasible and would meet most of the project objectives*... this alternative would require demolition of the Connell House and would not avoid or substantially lessen the significant unavoidable impact to the historic structure...”.
- Alternative 8, Salvaged Reuse Integration: “Reuse salvaged elements from the Connell House as fragments integrated into the design of the new single-family residence... *feasible and would meet most of the project objectives by providing single-family residential use at the project site of a size compatible with the surrounding community* ...[but]... this alternative would require demolition of the Connell House and would, therefore, not avoid or substantially lessen the significant unavoidable impact to the historic resource.”
- Alternative 9, Reduced Height: “Was designed by the project applicant to minimize visual impacts and would reduce the maximum height of the proposed single-family residence from 30 to 25 feet above natural grade... This alternative would be *feasible* and would meet most of the project objectives.” The Connell House would be demolished and that this alternative does not in any way not avoid or substantially lessen the significant unavoidable impact to the historic resource.
- Alternative 10: No Project: Would maintain status quo.

Alternative 1, Preservation, was identified to be the environmentally superior alternative.

The EIR contains at least 6 alternatives found to be feasible which do not ignore the historicity of the Connell House, the policies of the LCP and the conduct of the property owner in regards to the mistreatment of the Connell House.

RECOMMENDATION OF THE HISTORIC RESOURCES REVIEW BOARD

Demolition of the Connell House: The HRRB considered this application, solely on the basis of the project's impact on significant historic resources and potential mitigations, on January 12, 2023. One HRRB member recused themselves because they had previously worked for the applicant. Two other members recused themselves because they were members of the AMAP Board of Directors. AMAP is opposed to the demolition of the Connell House.

The HRRB's decision was to:

Recommend that the Planning Commission approve the proposed demolition of the Connell House subject to its concurrent adoption of the mitigation measures for such demolition proposed in the Environmental Impact Report (EIR) prepared for the Signal Hill LLC project (SCH No. 2015021054), notwithstanding that such measures would not reduce such impacts to a less-than-significant level (emphasis added).

The HRRB regrets that the Connell House's condition and related circumstances have made alternatives to the demolition of the Connell House impractical.

The conclusion of the HRRB is contrary to the evidence provided in the FEIR which presents multiple alternatives (Alternatives 1, 2, and 4) for the preservation of the Connell House. There is no independent evidence in the record, such as an updated engineer's report, to support the HRRB's conclusion that the Connell House cannot be feasibly preserved or restored.

It should be noted that the staff report makes numerous references to the HRRB recommending Alternative 9, although the conclusion of the staff (Quoted above) prepared HRRB resolution is silent on both overriding considerations and the project alternatives.

STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires that an Environmental Impact Report identify all potential significant environmental impacts³ of a project and to prescribe mitigations which will reduce the impacts to an insignificant level. CEQA also recognizes that in certain situations it may not be possible to mitigate all of the impacts to an insignificant level. In those situations, *CEQA "requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits..." against the project's significant impacts.* If it is decided to approve the project,

³ CEQA Guidelines Section 15382: "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

the approval must be accompanied by a statement of overriding considerations, supported by substantial evidence, explaining how the benefits outweigh the impacts.

The HRRB recognized the impact of the loss of the Connell House cannot be reduced to an insignificant level and demolition could not be approved without a statement of overriding considerations. They declined however to make a recommendation on the issue of “overriding considerations.”

The staff recommends (Draft Resolution pages 24-26) adoption of a finding of overriding considerations. The staff’s recommendation however fails the test for overriding considerations for three reasons:

- There is no discussion or evidence in the record that supports Alternative 9 over other Alternatives, such as Alternative 6 (Reduced Project Alternative). Alternative 9 seems to be recommended because it is the only Alternative the applicant will accept, not because it is the best alternative.
- The recommended Finding is not supported by substantial evidence⁴. The recommended evidence is a series of statements that are not accompanied by nor does it refer to specific relevant information to support the conclusion. There is nothing in the proposed findings that explains how the benefits of the project, other than to the applicant, outweigh the impact of demolition
- The evidence in support of the recommended finding is generic in nature and crafted to allow the applicant to build the house. Those same findings could apply to any of the other project alternatives allowing demolition of the Connell House.

ENVIRONMENTALLY SENSITIVE HABITAT

The project site is located in the Asilomar Dunes Complex and is an environmentally sensitive habitat area (ESHA). The Del Monte Forest Local Coastal Program (DMFLCP) Key Policy on ESHA reads:

“The environmentally sensitive habitat areas of the Del Monte Forest are unique, limited, and fragile resources that are sensitive and important biologically, and that enrich Del Monte Forest enjoyment for residents and visitors alike. Accordingly, these areas shall be protected, maintained, and, where possible, enhanced and restored in accordance with

⁴ CEQA Guidelines Section 15384: (a) “Substantial evidence” as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

(b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

the policies of this LUP. Except where specifically and explicitly authorized by the LUP, all categories of land use and development, both public and private, shall be subordinate to the protection of these areas.”

Policies 8, 13, 14 and 17 (Exhibit H) are replete with direction that ESHA should be:

- Protected against any disruption...new land uses shall be limited to those that are dependent on the resources... (Policy 8);
- Environmentally sensitive habitat areas shall be protected through deed restrictions or permanent open space conservation and scenic easements... (Policy 13),
- Near environmentally sensitive habitat areas, native vegetation removal and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate reasonable development... (Policy 14); and,
- The remnant native sand dune habitat... on Signal Hill...shall be preserved through open space conservation and scenic easements... (Policy 17)

The project site currently has a 7,113 SF residential envelope⁵ that includes the area of the house, courtyard, walkways and driveway. That envelope would be expanded into the Dune habitat by at least 2,895 SF⁶ for a minimum disturbed area of 10,008 SF. This is an increase of nearly 41%. A replacement home compatible in size with other homes on Signal Hill (“reasonable development”), could easily be built in this 7,000SF envelope without violating the policies of the DMFLCP and Coastal Act.



FEIR Figure 2-3

⁵ Source: Monterey County FEIR, letter from California Coastal Commission. October 12, 2018.

⁶ Ibid

HCD staff and the Planning Commission have been very consistent and taken great care in similar projects in the Asilomar Dune Complex where there is an existing residential envelope to assure there is no expansion outside the residential envelope (1152 Spyglass [PLN210192] and 5B Investments [PLN210066], for example) and to require a degree of restoration of the areas outside the envelope.

Approval of this application with its significant intrusion into ESHA would be inconsistent with those actions, potentially set a poor precedent, and be inconsistent with the DMFLCP.

The FEIR does suggest that full on-site restoration, outside of the quarter acre residential envelope, plus payment of fees to fund for off-site mitigation, mitigates the impact to ESHA to an insignificant level. The suggested mitigation is not consistent with California law and the policies of the DMFLCP. Paying money to fund restoration of habitat is not and cannot be used as a mitigation for development of on-site ESHA especially where there is adequate area onsite to allow development of a home without impacting the ESHA dunes.

The California Coastal Commission in their comments on the EIR (Exhibit I) found the project to be inconsistent with the DMFLCP and the Coastal Act.

The staff report and recommendation imply that the on-site ESHA is degraded and its protection may not be as important as the protection that would be afforded if it were a more pristine habitat. This is not the correct legal standard and is contrary to California law. In 1999, California's Court of Appeal, Fourth District decided the *Bolsa Chica Land Trust* case in which it ruled that once California Coastal Commission categorizes a specific parcel of land as Environmentally Sensitive Habitat Area, or ESHA (as the Signal Hill dunes complex is designated), it will be treated uniformly, despite its viability or condition. The Court stated "[t]here is simply no reference in section 30240 which can be interpreted as diminishing the level of protection an ESHA receives based on its viability. Rather, under the statutory scheme, ESHAs, whether they are pristine and growing or fouled and threatened, receive uniform treatment and protection." Simply put, the Coastal Act requires ESHA to be protected. Mitigation for loss is not the same as protection of the resource. (See Public Resources Code § 30240)⁷

PUBLIC VIEWSHED AND RIDGELINE DEVELOPMENT

The existing homes in the Signal Hill range from approximately 3,800 to 5,400 SF⁸ and are predominantly single story. The homes are typically horizontal forms that follow the contour of the land rather than rising significantly above it. The 15,000 SF house, including 2,600 SF of covered terraces, is significantly larger than any other home on Signal Hill and presents a strong

⁷ §30240 Environmentally sensitive habitat areas; adjacent developments (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

⁸ Source: Monterey County Assessor's records

vertical component, is designed to the maximum allowable height of 30', and is correctly deemed to be ridgeline development.

In their approvals both the Abercrombie and recently approved "5B" projects had components of ridgeline development. In both cases, due to the lot topography and ESHA, there was limited area for development. The site constraint combined with designs (which were well below the maximum height allowed) justified the approval of ridgeline development in those cases. Those same facts do not exist for this application.

The visual impact of the design and of the ridgeline development are shown in the following before and after photographs⁹. The FEIR presents several Alternatives which would substantially reduce the visual impacts and eliminate the ridgeline development.

Before and After View from 17 Mile Drive at Fanshell Beach



⁹ Source: Monterey County FEIR for PLN100338



NEIGHBORHOOD COMPATIBILITY

The applicant has stated repeatedly that one of her goals is to be allowed the same level of development as her neighbors. The diagram below shows the size of homes in the Signal Hill neighborhood. The average size is about 4,200 SF. With the 5B project recently approved by the Planning Commission, that average would rise to just over 4,600 SF, roughly 30% the size of the project proposed by the applicant.

NEIGHBORHOOD HOUSE SIZE (SOURCE MONTEREY COUNTY ASSESSOR)



Average: 4,194 SF
 (4,636 SF)

Proposed 11,933 SF
 plus 2,600 SF
 covered terraces.

**DEL MONTE FOREST LAND USE ADVISORY COMMITTEE AND PEBBLE BEACH
ARCHITECTURAL REVIEW BOARD**

The Del Monte Forest LUAC considered this application in 2011. The LUAC vote tied at 3-3 and as such the LUAC made no recommendation. We believe the LUAC should have the opportunity to make a recommendation, particularly due to the time that has passed and there is significantly more information, via the FEIR, available.

The Pebble Beach Company Architectural Review Board has never been presented with plans to review or comment on this application.

SUMMARY

The applicant seeks to demolish the Connell House, a historically significant resource, expand the building envelope into ESHA which is inconsistent with the policies of the DMFLCP and conflicts with the state law, build a house more than three times the size of the average home in the Signal Hill neighborhood, create ridgeline development, and develop on slopes over 30%. There appears to be no reason for the staff to support this project other than as stated on page 3 of the staff report “the property owner has clearly expressed that they will not actually implement this (i.e., any alternative than the one she has chosen) alternative.” More telling is the statement of page 4 of the January 5, 2023, staff report to the HRRB:

“Staff suggests that while the “Preservation” alternative in the EIR appears to be the least environmentally damaging option, the property owner has clearly expressed that they will not actually implement this alternative. They have also indicated that they will not pursue the “Project Integration” alternative. This means that should a project be approved that does not involve demolition of the existing structure; it is possible that the near-term outcome would be similar to the “No Project” alternative which would include continuation of a hazardous structure in a state of disrepair. Potential long-term impacts are difficult to predict.

From a legal perspective, denial of the proposed rebuild, and approval of a project alternative that does not include demolition of the existing structure, WILL ALSO LIKELY LEAD TO LAWSUITS FROM THE PROPERTY OWNER” (emphasis added).

This is the first time I have ever seen a staff recommendation based on what the applicant is or is not willing to do and on threats of litigation.

The FEIR identifies numerous feasible alternatives, other than Alternative 9, that would in some cases preserve the Connell House and, in even more cases, meet most of the project alternatives and be consistent with the DMFLCP, the General Plan, and Coastal Act.

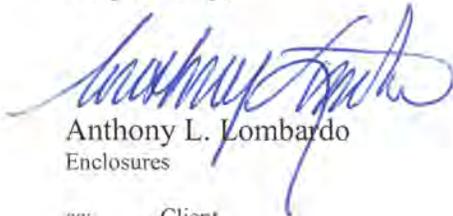
The proposed findings of overriding consideration are not supported by substantial evidence and do contain evidence consistent with the requirements of CEQA guideline section 15091 which requires that for the approval of a project which has significant and unmitigable environmental impacts (in this case demolition of a historic structure) findings supported by substantial evidence must state “specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.” There is nothing in the resolution or findings before the Commission which meets this standard.

Based on the foregoing, we respectfully request that the Planning Commission:

1. Approve Alternative 1, Preservation, thereby preserving the Connell House; or, should the Planning Commission find that the Connell House cannot be preserved,
2. Approve Alternative 6 which would reduce the size of the proposed single-family residence to fit within the existing developed footprint which would be consistent with the DMFLCP and reduce building heights to avoid any extension above the ridgeline. This alternative would meet most of the project objectives by providing a house of a size compatible with the surrounding community and be consistent with the policies of the DMF LCP and the Coastal Act.

Either alternative would be fully consistent with the DMFLCP, meet development standards, and be compatible with the Signal Hill neighborhood.

Respectfully,



Anthony L. Lombardo
Enclosures

cc: Client

Condition Compliance Status Report for PLN100418

4. PDSP001 - RESTORATION PLAN (NON-STANDARD)

Current Status: Partially Met

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

The applicant/owner shall adhere to all of the requirements of the Restoration Plan attached as Exhibit 1 to the February 5, 2013 Board Report and as conditioned by this permit. The Restoration Plan requires:

1. Planting of two replacement trees and implementation of a five-year monitoring program in order to restore the visual screening of the home from 17-Mile Drive and other public viewing areas. The replacement trees shall be Monterey cypress, minimum 48-inch box size. Two trees shall be located to the west and southwest of the existing residence, as near as feasible to the location of the trunks of the trees that were removed, as determined by the project arborist, but in no case may the trees be more than 20 feet from the location of the trees that were removed and no farther south or west than the location of the southernmost removed tree. A third tree may be planted to the southwest of the existing residence as shown on the Tree Replacement Plan to provide additional screening at the applicant's discretion. Quarterly monitoring of the replacement trees by a Certified Arborist for 3 years and annual monitoring thereafter is required. The monitoring program shall remain in place for five years or until such time as the tree canopy of the replacement trees approximates the 2007 tree canopy, whichever is longer. The trees may only be removed with the approval of a Coastal Development Permit. If any replacement trees fail to survive, they shall be replaced and a new monitoring program is required.

2. Quarterly monitoring of the health of the 3 pruned Monterey cypress trees by a qualified arborist for a minimum of 3 years and annual monitoring for an additional 2 years is required, with provisions for replacement trees to be planted should any of the pruned trees fail or decline to the point where either 50% or more of the remaining live foliage is affected or if pruning wounds decay and invade the main stems to a point where 50% of the stem diameter is affected. The replacement trees shall be Monterey cypress, 36-inch box size or larger. The monitoring program for the replacement trees shall remain in place for five years. The trees may only be removed with the approval of a Coastal Development Permit. If any of the replacement trees fails to survive it shall be replaced and a new five-year monitoring program is required.

3. Implementation of a Dune Restoration Plan for the approximately 2,500 square feet of disturbed area as identified by the project biologist (The Plan) is required. Within 30 days of the approval of this permit, the owner shall submit a restoration plan to the RMA-Planning Department for review and approval which shall be modeled after the Remnant Dune Restoration Plan dated August 2012 and shall also include:

- Success criteria for the eradication of non-native species within the 2,500 square foot disturbed area shall be 100 percent eradication of non-natives within the area by the end of the 5-year monitoring period.
- Success criteria for the planting of native species shall be 50 percent cover of natives throughout the restoration area by the end of the 5-year monitoring period.
- Quarterly monitoring of the dune restoration by the Project Biologist for an initial 3-year period and annual monitoring for an additional 2 years is required. If the success criteria are not met by the end of the 5-year monitoring period, additional measures to ensure success developed by the Project Biologist shall be

Condition Compliance Status Report for PLN100418

implemented by the owner/applicant and monitoring shall continue until the success criteria are met.

- The Restoration Plan shall be bonded.

**Compliance or
Monitoring
Action to be
Performed:**

Within 30 days of the approval of this permit, the owner shall submit the required restoration plan for the disturbed dune area to the RMA-Planning Department for review and approval.

Within 60 days of project approval the applicant/owner shall install the required replacement trees. As evidence that this has been completed, the applicant/owner shall submit an "as planted" plan prepared by a Certified Arborist showing the location of the replacement trees, protective measures that have been installed, species, size and irrigation plan.

Within 60 days of project approval the applicant/owner shall submit a copy of contracts with a Certified Arborist and a qualified biologist to implement the restoration plan and provide the required monitoring programs. The monitoring program shall include at a minimum:

1) Quarterly monitoring inspections by a Certified Arborist of the replacement trees and the three pruned trees for a minimum of 3 years and annual inspections for a minimum of 2 additional years.

2) A report prepared by the Certified Arborist or qualified the biologist documenting the findings of each inspection shall be submitted to the RMA-Planning Department within one month of each inspection. The first quarterly inspection report for monitoring of trees is due 4 months after the planting of the replacement tree(s). The first quarterly inspection report for dune restoration is due 4 months after the initial phase of restoration has been completed.

Within 60 days of the approval of this permit the applicant/owner shall post a bond with the RMA-Planning Department in the amount equivalent to the cost of restoring the site and monitoring for a minimum of 5 years as required by the condition. The cost estimate for installation and monitoring of the tree portion of the restoration to be provided by a Certified Arborist. The cost estimate for the installation and monitoring of the dune habitat restoration portion of the project to be provided by a qualified biologist. Said bond to be released upon satisfactory completion of the required monitoring program.

Comments By Staff

Last Update on:

Updated By:

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY



Planning Department

Mike Novo, AICP, Director of Planning

168 West Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-5025
Fax: (831) 757-9516
www.co.monterey.ca.us/rma

December 8, 2010

Maureen Wruck
21 West Alisal Street, Ste. 111
Salinas, CA 93901

By e-mail: maureen@mwruck.com

RE: Signal Hill LLC Combined Development Permit; County File No. PLN100338

Dear Ms. Wruck:

This is to notify you that this project has been deemed **incomplete** as of December 8, 2010. A list of the items required to be submitted or completed by the applicant in order to complete the application is given below. **In addition, it has been determined that the Planning Department cannot support the project as proposed and will be recommending to the Planning Commission that the project be denied.** As the project will be recommended for denial, the project will be exempt from CEQA. The applicant has three choices as to how to proceed at this time.

1. Provide the information required to make the application complete. The Planning Department will then schedule the project for hearing at the Planning Commission with a recommendation for denial. If the Planning Commission does deny the project, pursuant to Section 20.82.090, no new application for a Combined Development Permit substantially the same as the one denied shall be considered for a period of 1 year following such denial.
2. Request that the application be put on hold temporarily in order to re-design the project to better conform to the policies of the Del Monte Land Use Plan. No new application fees would be required for the re-submittal, however fees for environmental review would be required.
3. Request that the project be heard by the Planning Commission as currently submitted. The Planning Department will then schedule the project for hearing at the Planning Commission with a recommendation for denial without prejudice. If the Planning Commission does deny the project, because the denial would be "without prejudice", the applicant would then be able to submit a new application earlier than one year following the date of denial. The new application would require all new fees.

ITEMS REQUIRED TO MAKE THE APPLICATION COMPLETE

❖ Plans:

Add to Project Data Summary Table:

- o Lot Coverage (Required and Proposed) - calculations showing the square footage and percentage that the building footprint covers the lot. Include a table that itemizes the square footages of all of the elements (residence, garage, decks, covered porches/decks etc).

EXHIBIT B

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Acting Director
John Guertin, Acting Deputy Director

Daniel Dobrilovic, Acting Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works



168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

April 29, 2015

Ms. Massy Mehdipour
111 Independence Drive
Menlo Park, CA 94025

Subject: Inspection of 1170 Signal Hill Drive (CE Case: 13CE00338)

Dear Ms. Mehdipour:

The County of Monterey, Resource Management Agency, Code Compliance Division has received a complaint regarding your property. As a result Senior Code Compliance Inspector Bowling called you on March 17, 2015. He requested permission to inspect the interior and exterior of your residence. You indicated that you were out of the country at the time of his call, but agreed to a consent inspection of your property upon your return.

Inspector Bowling called you when you returned however you were ill at that time. You agreed to a consent inspection when you were feeling better.

On April 13, 2015 you agreed to a consent inspection of your property by Code Compliance and Environmental Health inspectors on April 20, 2015. A staff member from the Planning Department and a member from a private firm were also scheduled to be at your property on April 20, 2015 gathering information necessary for an Environmental Impact Report they are working on.

On Friday, April 17, 2015 Inspector Bowling was advised by Planning Manager Ford that you had revoked your consent for the Code Compliance Division and the Environmental Health Bureau to inspect your property on April 20, 2015 as previously agreed to. A member from the Planning Department and the private consultant working on the Environmental Impact Report were permitted onto your property on April 20, 2015 as previously agreed to.

This letter is in response to your revoking consent to inspect your property on April 20, 2015 as previously agreed to. The purpose of the inspection was to determine the condition of the mold contamination and to assess the structural integrity of the house.

In a conversation with Planning Manager Ford you refused to allow the Code Compliance or Environmental Health inspectors to come inspect the house. As a result staff from the Code Compliance Division and Environmental Health Bureau did not appear at the appointed time which

EXHIBIT C

had been scheduled for 3 weeks. You indicated to Planning Manager Ford that instead, you wanted to hire a structural engineer to perform the inspection.

You have been informed that the County has received complaints that you are not maintaining the house and are allowing it to deteriorate. Failure to maintain a residential structure in an adequate condition is a violation of the Monterey County Code. The Monterey County Code in Chapter 18 requires that residential structures be maintained and explicit guidelines are provided for determining what constitutes adequate maintenance. The relevant provisions of this chapter are attached to this letter.

County staff has observed first hand that there is a significant amount of mold on the walls of the property and this is confirmed by a report prepared by your consultant. The amount of mold has increased substantially since an inspection last year. This is clearly a violation of Section 18.14.040.E. The County is concerned that the rapid rate of mold increase indicates that the house is not being maintained in a water tight condition as required by Chapter 18 of the County Code.

There are two significant issues. First is public health and safety due to the mold. The house may no longer be safe to inhabit. It may be that the house needs to be posted that it is unsafe to enter, and we need to determine whether or not the house constitutes a hazard to public safety. If this is the case, the mold problem will need to be remediated immediately and appropriate repairs made to the structure. Please keep in mind that, as a historical resource, improvements must comply with Department of Interior standards.

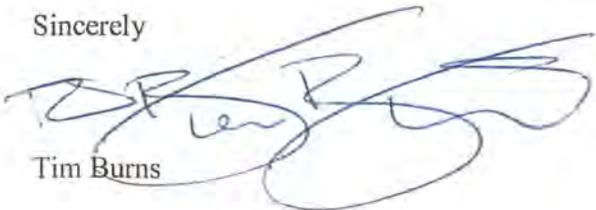
Second, the rapid increase in mold since an inspection last year gives reason to believe that there are other issues associated with how the house is being maintained. As noted in Chapter 18, the house must be maintained in a manner that precludes leaks, and protects the interior of the residence from weather. The mold is an indication this is not happening. The result may be that the structure is being allowed to deteriorate which is a violation of the County Code.

This is a public health and safety issue and there is concern that violations of the County code requiring the structure be maintained are resulting in the deterioration of a historic structure. A complete assessment must be made by unbiased qualified professionals to determine whether violations exist and if so what actions are needed to remediate the violations. To accomplish this, the County is going to hire independent consultants to evaluate the mold for impacts to public health and safety and hire a consultant to evaluate the physical condition of the structure. This may result in the need to remove damaged interior surfaces to inspect the underlying structural condition of the building. The cost of this will be associated with the open code enforcement case on the property and will be at the property owner's expense.

This is a significant issue which needs to be addressed immediately. We ask that you give the County permission to undertake this inspection. We would like to schedule a consent inspection of the interior and exterior of your residence by Friday, May 8, 2015. If permission is not granted, the County will pursue an inspection warrant through the Superior Court.

I look forward to speaking with you regarding this matter. I can be contacted at (831) 759-6770.

Sincerely


Tim Burns

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director
John Guertin, Acting Deputy Director



Daniel Dobrilovic, Acting Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

November 16, 2015

STIPULATED AGREEMENT

This is a Stipulated Agreement (hereinafter "Agreement") between the County of Monterey (hereinafter "County") and Signal Hill LLC and Massy Mehdipour, Agent (collectively referred to as "Responsible Party") to address various code compliance violations involving the property owned by Responsible Party and located at 1170 Signal Hill Road Pebble Beach, APN 008-261-007-000, within the County of Monterey (hereinafter "Property").

The effective date of this Agreement is the last date that this Agreement is signed by both parties below. The termination date of this Agreement is ten (10) months from the effective date.

In order to avoid the potential expense of litigation to resolve this matter, the County and Responsible Party wish to entirely resolve and settle the code compliance matters related to a Notice of Violation/Compliance Order dated July 21, 2015 addressing the weatherproofing of the single family dwelling on the Property.

Responsible Party desires to demolish the structure presently on the property and has submitted an application for said demolition which is pending before the County of Monterey (PLN100338).

1. CONSIDERATION

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained and other good and valuable consideration, receipt of which is hereby acknowledged, and to avoid unnecessary litigation, it is hereby agreed by and between the County and Responsible Parties as follows:

1. **Code Compliance Case Number 13CE00338**, related to the Property, was opened in 2013. The compliance order that is the subject of this Stipulated Agreement is dated July 21, 2015.
2. Signal Hill LLC as the owner of the Property, and Massy Mehdipour as Agent for the property are identified as the Responsible Party.
3. Responsible Party agrees to withdraw the appeal of the Historical Resources Board's decision currently pending before the Board of Supervisors no later than the date the County executes this Agreement
4. Violations: The single family dwelling is not weather proof. The residence continues to be exposed to the elements and in danger of further deterioration.
Monterey County Code Section 18.01.070 F Prohibited Conditions states: It shall be unlawful for any owner to create, maintain or permit the continued existence of any dangerous structure or

EXHIBIT D

November 16, 2015
13CE0338

premises, unsafe condition, unsafe equipment, unsafe structure, any structure that is unfit for human occupancy, any substandard building or premises or any unlawful structure or any other hazards as defined in this Chapter. Such violations are public nuisances and the owner shall abate or correct such conditions either by repair, rehabilitation, demolition or other approved corrective action without delay.

Monterey County Code Section 18.14.040 - General maintenance requirements- states in relevant part:

A. General. The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Chapter. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

D. Exterior Structure. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare including but not limited to the following:

1. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

6. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

5. Responsible Party acknowledges that this agreement only relates to current code violations on the above referenced Property through **November 9, 2015**. County of Monterey is not precluded from investigating and taking enforcement actions, if new code violations occur thereafter.
6. Responsible Party agrees to complete the following actions to weatherize and maintain the residence at 1170 Signal Hill in Pebble Beach CA:



- A. Stucco Repair: All exterior wall penetrations include but are not limited to light or electrical boxes, damaged stucco or exterior finishes. These areas will be repaired, patched, and sealed from moisture penetration.
- B. Soft Materials: All debris, mildew or mold laden materials (including wall and ceiling sheetrock), carpet/pad, window curtains, etc. shall be removed from the structure to provide a "broom clean" interior and remove all debris from exterior of home. Where sheet rock is removed, strapping shall be installed to provide structural stability on all bearing walls. The carpet/padding may remain under the cribbing. Carpet may remain in the Living Room area over the asbestos flooring. If this carpet remains a dehumidifier(s) shall be placed in the same area to remove moisture; dehumidifiers must be checked periodically and can be removed upon a determination by the Building Official that the interior of the structure is dry. (Note that a battery powered dehumidifier is acceptable). All hazardous materials shall be disposed in a manner appropriate with applicable regulations.
- C. Security: As recommended in Brief #31 plywood panels shall be installed over window and doors, and doors with access to the interior have been secured. A locked, high chain link security fence has been installed around the perimeter of the house. Repair, secure and maintain the temporary fencing and netting and maintain the property in a clean manner.
- D. For additional security the property owner proposes a wireless "Nanny Cam" system that will provide visual observation from off-site.
- E. Exterior Walls, Doors & Windows: Any damaged windows and doors or missing wall open space areas shall be sheathed with a minimum of ½ inch OSB to prevent any intrusion of moisture and pests. Pressure treated sills or blocking is required where the framing is setting on bare ground. The interlocking cribbing timbers shall be furred to allow the attachment of OSB sheathing. 15# felt paper shall cover all sheathing, fastened with button caps and wood strips nailed over the seams of the felt paper All Sheathing shall be water proofed as with approved methods to withstand wind load of 100 mph. The area between walls and deck shall be water tight.
- F. Roof Repair: A licensed roofing company shall inspect the roofing system and make all repairs to insure a water proof roof system. Areas of concerns are around the chimney where the roof has been torn back, areas where gravel has blown thin and missing flashing and drip edge. Install missing and damaged gutters and downspouts. Insure the roof water is directed away from the foundation in a manner not to cause environmental issues.
- G. Controlling Pests: All exterior vents (roof, soffit, and wall) shall be repaired with an approved wire mesh. The installation of sheathing shall be installed in a manner to prevent the intrusion of animals, birds or insects.
- H. Ventilation: Install cross ventilation on both levels of the home. Size and location as approved by the Building Official
- I. Property Inspections: Weekly drive by of property, inspect property at least once a month, provide a regular day for inspection (i.e. first Monday of every month), check entrances, check window panes for breakage, check for graffiti, check for vandalism, check interior of residence at least once a month, check for moisture damage at least once a month, check for evidence of pest intrusion at least once a month, check downspouts at least monthly, check crawl spaces for pests at least monthly, clean out storm drains at least monthly.

Handwritten signature and initials in the bottom right corner of the page.

November 16, 2015
13CE00338

- J. Provide a written report by the 7th day of each month to Code Compliance detailing the condition of the weatherization of the property and any change in the condition of the property.

Responsible Party agrees to complete all work as described in item 6 A through H within 30 days of the effective date of this Agreement. Extensions may be granted for cause as determined by the County Building Official.

7. Should the Responsible Party fail to abide by the terms of this Agreement, County of Monterey is free to take any and all appropriate enforcement actions, provided that Responsible Party is first provided written advance notice and a reasonable opportunity to cure. "Reasonable" for purposes of this paragraph means 30 days or less, depending on the urgency as determined by the County Building Official.
8. County does not waive any rights or remedies to pursue corrective action related to the Notice of Violation/Compliance Order should Responsible Party fail to comply with the terms and conditions of this Agreement.

II. ATTORNEYS' FEES

County and Responsible Party shall each bear their own costs and attorneys' fees. If it becomes necessary to engage in legal proceedings to enforce or interpret any of the provisions of this agreement, the prevailing party will be entitled to recover, his or her reasonable attorneys' fees incurred in connection with such proceedings.

III. OTHER WARRANTIES

Each of the Responsible Parties warrant that the settlement evidenced by this Agreement and the execution of this Agreement has been approved and authorized by Responsible Parties, and that the persons who execute and attest this Agreement have been authorized to perform said acts.

IV. SEVERABILITY

Should any provision of this Agreement be held invalid or illegal, such illegality will not invalidate the remainder of this Agreement. Instead, the Agreement shall be construed as if it did not contain the illegal part, and the rights and obligations of the parties shall be construed and enforced accordingly.

V. INTERPRETATION

This Agreement shall be construed and enforced pursuant to the laws of the State of California.

VI. REPRESENTATION

Responsible Party has had the opportunity to be represented by independent legal counsel of their own choice, and this Agreement was prepared with the joint input of all Parties, and shall not be construed in favor of or against any party to the Agreement. Responsible Parties further acknowledge that this Agreement was executed freely and voluntarily and with the opportunity for Responsible Parties to receive the advice of independent legal counsel.

VII. INDEMNIFICATION

By signing this Agreement the undersigned Responsible Party agrees to indemnify the County and hold the County harmless, for an amount not to exceed \$25,000 in total, from attorney's fees or costs



November 16, 2015
13CE00338

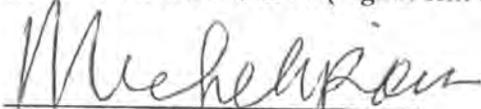
awarded by a court against the County and in favor of a prevailing plaintiff in litigation brought against County by any person or entity arising as a result of Responsible Party's breach of this Agreement.

VIII. COUNTERPARTS

The parties agree that this Agreement may be executed in counterparts. Each of the undersigned, whether signing separately or on the same document with other parties, agrees to each and every part of the above agreement. This Agreement is deemed executed on the date upon which all undersigned have signed this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the dates hereinafter indicated:

RESPONSIBLE PARTY (Signal Hill LLC and Massy Mehdipour)



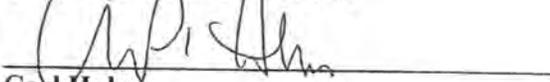
Massy Mehdipour, Agent

November 16, 2015
Date

Approved as to form:

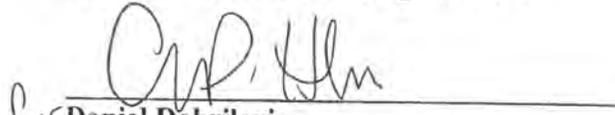
Counsel for Responsible Party

COUNTY OF MONTEREY



Carl Holm,
Director of Resource Management Agency
Acting Director of Building Services

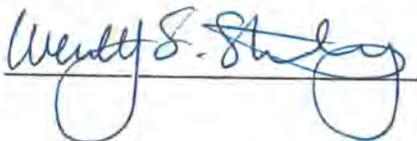
16 Nov. 2015
Date


for _____
Daniel Dobrilovic
Acting Building Official

16 NOV. 2015
Date

Approved as to form:

Office of County Counsel



Nov. 16, 2015
Date



MONTEREY COUNTY
HOUSING AND COMMUNITY DEVELOPMENT
Mike Novo, AICP, Interim Director



HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

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

(831)755-4800
www.co.monterey.ca.us

June 8, 2021

Violation Needs To Be Corrected By: July 6, 2021

Signal Hill LLC
1425 Dana Avenue
Palo Alto, CA 94301

Lender:
U.S. Bank National Association ND
4325 17th Avenue S.W
Fargo ND 58103

Trustee:
First Assurance Trust Deed Services
5141 Goodland Avenue, Suite B
Hollywood, CA 91607

ADMINISTRATIVE CITATION

(In addition to the issued Administrative Citation/Compliance Orders dated December. 5, 2013, May 22, 2015, June 19, 2015 and signed Stipulated Agreement dated November 16, 2015)

Violation Location: **1170 Signal Hill Road, Pebble Beach**
APN: **008-261-007-000**
Zoning: **LDR/1.5-D (CZ)**
Case Number: **13CE00338**
Assigned: **Elizabeth Rulz**

This Administrative Citation and Notice of Intent to Record a Notice of Violation has been issued pursuant to the inspection conducted on **March 31, 2021**, which identified the following violations:

Description of Violation(s):

- **Occupied substandard residence without approvals**
- **Removal of postings without approvals**
- **Construction without proper permits:**
 - Unpermitted bedroom remodel located at the rear residence
 - Garage doors sealed partially converted into a game room
 - Installation of substandard water heater
 - Installation of substandard shower in basement area
 - Makeshift kitchen to include substandard sink
 - Substandard electrical throughout
 - Poles for surveillance cameras
- Accumulation of rubbish and garbage
- Storage of inoperable vehicle
- **Expired construction permits 14CP00708, 15CP001387, 15CP01785, 15CP01861**
- **Property is not in compliance with conditions under 15CP01861**

Code Enforcement June 2022

Unsecured substandard vacant residence

Property is not mothballed as required

18.00.020 – Continuation of Public Nuisance

18.01.030.B.4-5 – Department of Building and Safety

18.01.090.A; B; D.2-3; E F; G - **Violations**

18.14.040.A; E – General Maintenance Requirements

18.14.090.H; M – **Violations**

18.15.030.C.1-2 – Substandard Buildings

21.84.050 – Violations of Conditions of Permits



EXHIBIT F



Table 5-1. Preliminary Alternatives Screening Analysis

Alternative	Description	Preliminary Screening Analysis	Carried Forward for Review?
1 Preservation	This alternative would include retaining the Connell House and preserving, repairing, and replacing portions of the structure for single-family occupancy in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.	Per the structural evaluation completed for this project, this alternative is technically feasible. Preserving, repairing, and replacing portions of the structure per the Secretary of the Interior's standards would avoid or substantially lessen the significant impact on historical resources. This alternative would not include the large, new residential construction as proposed by the Applicant; however, because it would provide single-family residential use at the project site of a size compatible with the surrounding community and which allows for enjoyment of the natural beauty of the surrounding area, restore areas outside of the construction area to their natural condition, and provide an overall improvement of the property for the betterment of the Pebble Beach community, it would meet most of the Applicant's identified project objectives.	Yes
2 Preservation and Adaptive Reuse	This alternative would include retaining the Connell House and preserving, repairing, and replacing portions of the structure for an adaptive reuse allowed under the Monterey County Zoning Code in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Adaptive reuse refers to the process of reusing a structure for a purpose other than that for which it was built or designed (i.e., for historic documentation and public educational uses [a museum]).	This alternative would be feasible and would avoid the significant impact on historical resources. However, reuse for any purpose other than single-family residential use would not meet the project's basic underlying objective <u>and would be inconsistent with the Del Monte Forest Land Use Plan, 1982 Monterey County General Plan, and Title 20 of the Monterey County Code.</u> Alternative uses would not be consistent with surrounding residential uses and <u>would</u> may be inconsistent with Monterey County zoning regulations.	No
3 Preservation and Separate Onsite Development	This alternative would include retaining the Connell House and preserving, repairing, and replacing portions of the structure in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Under this alternative, a second single-family residence would be developed at a different location on the project site.	This alternative would preserve the Connell House and avoid or substantially lessen the significant impacts on historic resources. It would meet most of the Applicant's identified project objectives by providing single-family residential use at the project site of a size compatible with the surrounding community and which allows for enjoyment of the natural beauty of the surrounding area, restoring areas outside of the construction area to their natural condition, and providing an overall improvement of the property for the betterment of the Pebble Beach community. However, a second residence would exceed maximum density	No

Table 5-1. Preliminary Alternatives Screening Analysis

Alternative	Description	Preliminary Screening Analysis	Carried Forward for Review?
		limits in the LDR/1.5-Design Control District and would conflict with numerous applicable LCP and Del Monte Forest Area LUP policies, particularly those related to the protection of public views and ESHA. Therefore, this alternative is not feasible and would result in new and substantially increased significant impacts when compared to the proposed project.	
4 Project Integration	<p>This alternative would include integration of the Connell House into the proposed project. The structure (or portions of the structure) would be retained and integrated into the design of the new construction in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. This alternative would necessitate the following:</p> <ul style="list-style-type: none"> ▪ the documentation of primary and secondary character-defining elevations, spaces, and features in order to identify opportunities and constraints for additions and expanded living space, and ▪ the participation at conceptual, schematic, and design development phases of a qualified architectural historian and/or historic architect. <p>This alternative could include full or partial project integration. Full integration could include, for example, adding on to the existing structure, adding additional full or partial floors or levels, supplementing additional living space by enclosing the courtyard or outside patio areas, or developing a separate addition to the structure connected by a breezeway or stairs.</p> <p>Partial integration could include, for example, preserving/reconstructing components in the western, most visible elevation, including the</p>	<p>This alternative would preserve the Connell House and integrate it into the new design. This alternative would meet most of the Applicant's identified project objectives by providing single-family residential use at the project site of a size compatible with the surrounding community and which allows for enjoyment of the natural beauty of the surrounding area, restoring areas outside of the construction area to their natural condition, and providing an overall improvement of the property for the betterment of the Pebble Beach community. This alternative would be feasible. If the project and design were to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as verified and documented by a qualified architectural historian and/or historic architect, this alternative would not result in significant adverse impacts to the historical resource.</p>	Yes

Table 5-1. Preliminary Alternatives Screening Analysis

Alternative	Description	Preliminary Screening Analysis	Carried Forward for Review?	
5	Relocation and Preservation	<p>prominent bands of fenestration on the first and second stories, the ground-level terrace, second-level balcony, characteristic roofline, and juxtaposition of transparent and opaque surfaces while all or a portion of the remaining components would be demolished to facilitate construction of the new residence. Other character-defining features of the residence could be preserved, such as the north entry or the exterior façade, while interior portions of the structure would be renovated and remodeled.</p> <p>This alternative would include relocating the Connell House to a new location and preserving, repairing, and replacing portions of the structure in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. Relocation could occur at an appropriate site in the Del Monte Forest area, on the Monterey Peninsula, or beyond the Monterey Peninsula. Under this alternative, the proposed single-family residence would be developed as currently designed on the project site but would not require demolition of the Connell House.</p>	<p>This alternative would meet the project objectives by allowing development of the single-family residence as proposed after relocation and preservation of the existing structure. This alternative would require selection of an appropriate receiver site that is compatible in general setting and feeling to the existing location. Although the project’s integration into the natural setting is important in Neutra’s design, it is possible that an appropriate receiver site would be available to relocate the structure. However, based on a structural evaluation completed for the project, relocation of the structure is not feasible. The structure is partially constructed into the side of a bluff and does not have first story walls along the first story east face. The structure lacks a competent horizontal diaphragm or vertical load carrying system at the upper level, and in its current form, lacks structural integrity to permit relocation.</p>	No
6	Reduced Project	<p>This alternative would include completely demolishing the Connell House, but would reduce the size of the proposed single-family residence to fit within the existing developed footprint and would reduce building heights to avoid any extension above the ridgeline.</p>	<p>This alternative would be feasible and would meet most of the project objectives by providing single-family residential use at the project site of a size compatible with the surrounding community and which allows for enjoyment of the natural beauty of the surrounding area, restoring areas outside of the construction area to their natural condition, and providing an overall improvement of the property for the betterment of the Pebble Beach community. The reduced footprint would stay within the existing footprint, and therefore would avoid the project’s permanent impacts on adjacent ESHA and impacts to visual</p>	Yes

Table 5-1. Preliminary Alternatives Screening Analysis

Alternative	Description	Preliminary Screening Analysis	Carried Forward for Review?	
7	Neutra-Inspired Redesign	This alternative would include completely demolishing the Connell House, but would redesign the proposed single-family residence to echo Richard Neutra’s design for the new development.	resources associated with ridgeline development. However, mitigation identified in Chapter 4 requires redesign of the project to avoid significant impacts associated with ridgeline development. Therefore, the reduced project alternative would not avoid or substantially lessen potential impacts to visual resources when compared to the proposed project. This alternative would require demolition of the Connell House and would, therefore, not avoid or substantially lessen the significant unavoidable impact to the historic structure.	No
8	Salvaged Reuse Integration	This alternative would include completely demolishing the Connell House, but would reuse salvaged elements from the Connell House as fragments integrated into the design of the new single-family residence.	This alternative is feasible and would meet most of the project objectives by providing single-family residential use at the project site of a size compatible with the surrounding community and which allows for enjoyment of the natural beauty of the surrounding area, restoring areas outside of the construction area to their natural condition, and providing an overall improvement of the property for the betterment of the Pebble Beach community. This alternative would require demolition of the Connell House and would, therefore, not avoid or substantially lessen the significant unavoidable impact to the historic structure. Redesign of the new structure with a Neutra-inspired design would not reduce or eliminate significant impacts to the historic resource for the reasons discussed in Section 4.3 of the EIR related to the proposed utilization of Ricardo Legorreta’s design in the proposed structure, including the absence of any defined historic context and uncertainty of significance and design expression due to death of the architect.	No

Table 5-1. Preliminary Alternatives Screening Analysis

Alternative	Description	Preliminary Screening Analysis	Carried Forward for Review?	
9	Reduced Height	This alternative was designed by the project applicant to minimize visual impacts and would reduce the maximum height of the proposed single-family residence from 30 to 25 feet above natural grade.	loss of integrity of location, materials, design, workmanship, setting, feeling, and association. The loss of integrity in the physical characteristics that convey the Connell House's historical significance and that justify its inclusion in the CRHR would be materially impaired. The structural report prepared for the project also concluded that <u>many of</u> the materials and elements of the existing structure were degraded to an extent that would prevent the ability to integrate them into a reconstructed structure. Therefore, this alternative would not avoid or substantially lessen the significant unavoidable impact to the historic structure.	Yes
10	No Project Alternative	This alternative would maintain existing conditions at the project site. No demolition, construction, or dune restoration activities would occur.	Consideration of this alternative is required under CEQA.	Yes

DMFLCP POLICIES 8,13,14 & 17

8. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. Within environmentally sensitive habitat areas, new land uses shall be limited to those that are dependent on the resources therein. Land uses and development adjacent to environmentally sensitive habitat areas shall be compatible with long-term maintenance of the habitat area, and such land use and development shall be sited and designed to prevent impacts that would significantly degrade the habitat areas.

13. Environmentally sensitive habitat areas shall be protected through deed restrictions or permanent open space conservation and scenic easements granted to the Del Monte Forest Foundation. Where developments are proposed within or near areas containing environmentally sensitive habitat, such restrictions or easements shall be established through the development review process. Where development has already occurred within or near areas containing environmentally sensitive habitat, property owners are encouraged to voluntarily grant conservation and scenic easements to the Del Monte Forest Foundation. Except in the case of voluntary easements, each instrument for effecting such restriction or easement shall be subject to approval by the County and the Coastal Commission as to form and content; shall provide for enforcement, if need be, by the County or other appropriate enforcement agency; and shall name the County as beneficiary in the event the Foundation ceases or is unable to adequately manage these easements for the intended purpose of natural habitat preservation. Permanent open space conservation and scenic easements shall be dedicated to the Del Monte Forest Foundation for all areas of the Forest designated Open Space Forest and Open Space Shoreline.

14. Near environmentally sensitive habitat areas, native vegetation removal and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate reasonable development. Development shall be sited and designed to prevent impacts that would significantly degrade those nearby areas, and shall be compatible with the continuance of those habitat areas.

17. The remnant native sand dune habitat along the shore in the Spanish Bay planning area, on Signal Hill near the former Spyglass Quarry, and adjacent to 17-Mile Drive in the Spyglass Cypress planning area, shall be preserved through open space conservation and scenic easements conveyed to the Del Monte Forest Foundation, as provided by Policy 13 above, as part of the approval of any development in adjacent areas.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WWW.COASTAL.CA.GOV



October 12, 2018

Cheryl Ku
Monterey County Resources Management Agency
1441 Shilling Place
Salinas, CA 93933

**Subject: Draft Environmental Impact Report (DEIR) for Signal Hill, LLC, SCH
#2015021054**

Dear Ms. Ku:

Thank you for forwarding the DEIR for Signal Hill, LLC to our office for review. The proposed project as we understand it would include demolition of an existing 4,125 square-foot residence and 2,825 of pavement; construction of a new 11,933 square-foot residence and 1,950 square-feet of pavement; and restoration of dune habitat at 1170 Signal Hill Road in Pebble Beach. The project would increase overall impervious residential development by approximately 2,895 square-feet. We are unable to determine whether other residential development; such as non-dune landscaping, impervious surfaces, or other areas where residential activities will be allowed; extend beyond the 10,008 square-feet of impervious surfaces identified in the project plans. The project site is within the County's CDP jurisdiction and within the Coastal Commission's CDP appeal jurisdiction (because the site is located between the first public road (Highway 1) and the sea). We have the following comments about the project with regard to impacts on Environmentally Sensitive Habitat Areas (ESHA) and visual resources, as discussed in more detail below.

The subject property is located within the Del Monte Forest Land Use Plan (LUP) segment, which includes an extensive policy framework meant to protect the area's rich coastal resources, including through policies that protect ESHA, including categorically identifying coastal dunes as ESHA and specifically protecting the remnant dunes within Signal Hill. **The LCP includes provisions that prohibit all land uses in ESHA that are not resource dependent (LUP Policy 8); prevent development that would significantly degrade habitat (LUP Policy 8); require minimization of habitat disturbance to that which is necessary to accommodate reasonable development (LUP Policy 14); require preservation of all remnant sand dunes in Signal Hill (LUP Policy 17); and require permanent protection of all ESHA on a project site (LUP Policy 13).**

The DEIR correctly recognizes that the entire parcel constitutes dune and wetland ESHA and further identifies the LUP Policies quoted above as applicable to the proposed project. Section 4.2.5.5 of the DEIR provides an analysis of the project's consistency with these policies, which appears to suggest that the project can be found consistent with the LUP for two reasons. First, the DEIR states that expansion of residential development will occur in dune areas that are more disturbed than the rest of the parcel, which will lessen the impact to ESHA. Second, the DEIR

EXHIBIT I

states the project includes restoration of remaining dune, which will mitigate for the expanded residential use. We disagree that these two factors make the project consistent with the LUP.

The LUP does not provide for lesser degree of protection for dune ESHA based upon the condition of the dunes. **The relative level of disturbance of the dunes has no bearing as to whether the LUP ESHA policies are only applicable to portions of a project site.** If an area is identified as ESHA, and the DEIR correctly identifies that this project site is entirely dune ESHA, **all LUP ESHA policies are applicable in the same manner to all areas of a project site.** The proposed project will allow a new non-resource dependent use and lead to the permanent destruction of at least 2,895 square-feet of dune ESHA, which is firmly prohibited by LUP Policy 8. The project will also significantly extend the life of the existing 7,113 square-foot residential envelope that currently exists on the site and lead to increased residential impacts due to the larger overall size of the proposed residence.

The DEIR suggests that this permanent loss of dune ESHA can be mitigated through restoration of the remainder of the parcel. Again, the LUP plainly prohibits the uses and disturbance proposed by the project. **The LUP does not provide an exception to allow for expanded residential uses and the permanent loss of dune ESHA for projects that include mitigation.** Moreover, LUP Policy 17 and Policy 13 already require permanent dune protection and preservation to offset the associated impacts of any development in or near ESHA. Such protections must be provided to allow for any project on the property and cannot be utilized to justify an expansion of a prohibited residential use.

Additionally, the DEIR suggests that the project is consistent with LUP Policy 14, which requires development to be minimized as much as possible as necessary to accommodate reasonable development. **We disagree that the 11,933 square-foot house and 10,008 square-foot residential envelope has been sufficiently minimized as necessary to accommodate reasonable development.** In fact, the DEIR explores a number of various feasible alternatives that would result in a much smaller footprint that would be more consistent with this policy. In this particular case, there is already an existing house that provides the applicant with a reasonable economic use of the property. There is an argument that any increase in disturbance to dune ESHA could be found inconsistent with this policy.

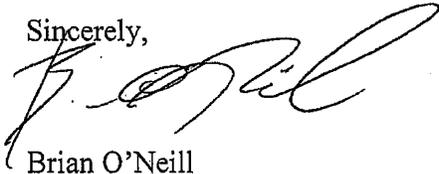
With respect to visual resources, the site is highly visible from 17 Mile Drive and public vantage points along the shoreline in the vicinity of Fan Shell Beach, and is located in an identified view area from 17 Mile Drive on the LUP Visual Resources map. **Among other things, the LUP requires that "viewing areas identified on Figure 3 shall be protected as resources of public importance, and development that could adversely impact such views shall only be allowed where it protects, preserves, and if feasible enhances, such scenic resources."** Section 4.1.5.1 of the DEIR states that the project as proposed will be noticeable from public viewing areas, draw visual attention due to its large size and angular shape, and will extend well above the ridgeline from various public viewing areas. Table 4.1-1 suggests that the project can be found consistent with LUP visual policies if the project is reduced in height, but does not provide necessary

Cheryl Ku
DEIR Signal Hill, LLC
October 12, 2018
Page 3

evidence, such as revised visual simulations and construction of new story poles, to confirm that a revised project is consistent with these policies. We continue to have concerns regarding the impact of the height, mass, and bulk of the proposed project on visual resources.

In sum, we believe that the DEIR does not accurately analyze the LUP ESHA policies and we do not agree that the project as proposed can be found consistent with the LUP. We strongly suggest that the County and the applicant discuss this project with our office before finalizing the DEIR or approving the project. Thank you for considering our comments. If you have any questions or would like to discuss this issue further, please contact me at (831) 427-4863 or Brian.O'Neill@coastal.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. O'Neill", written in a cursive style.

Brian O'Neill
Coastal Planner

From: [Marianne Towersey](mailto:Marianne.Towersey)
To: 293-pchearingcomments
Cc: massy@jotter.com
Subject: Planning Commission Hearing January 25, 2023 Agenda Item # 4 (PLN100338 - SIGNAL HILL LLC) - Massy House
Date: Monday, January 23, 2023 2:25:35 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To Whom It May Concern,

I visited Massy Mehdipour's property years ago. It was in a horrible state and she was so anxious to build a modern house for the enjoyment of her extended family. I couldn't have imagined then, that there would be so much petty squabbling over the her personal rights to build the home of her choosing. But there certainly has been.

I hope that the powers that be will finally approve of replacing the shabby, decrepit structure that is an eyesore to the beauty of the setting. Massy is a golf pal of mine and I find her to be a woman of integrity as a friend and business woman. She is part of our community and deserves fair treatment.

Respectfully,

Marianne Towersey

mctower@comcast.net

2979 Colton Rd, Pebble Beach

From: [M.Chang.Chinn](#)
To: [293-pchearingcomments](#)
Subject: Planning Commission Hearing January 25, 2023 Agenda Item # 4 (PLN100338 - SIGNAL HILL LLC) – Massy House
Date: Monday, January 23, 2023 1:53:45 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

To whom it may concern:

We hope you approve Massy Medipour's Plans for her Pebble Beach house. This project has been snarled up in delay tactics for a very long time. Objections have been addressed and satisfied. It is time to move forward.

Thank you,
Momi & Gaynor Chinn
2908 Colton Rd, Pebble Beach, CA 93953

From: [Dennis Chambers](#)
To: [293-pchearingcomments](#)
Cc: [Heather Roberts](#)
Subject: PLN100338 - 1170 SIGNAL HILL RD. PEBBLE BEACH
Date: Monday, January 23, 2023 1:26:57 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Planning Commission Members, our December 3rd letter below is self explanatory. And now, with both the HRRB and the Planning Commission approving the demolition, please let's stop the 12+/- years of pettiness and abuse heaped on the home owner. My wife and I strongly recommend this new home project be approved and move forward. Thank You

Dennis and Heather Chambers
258 Hwy One, Carmel.

Begin forwarded message:

From: Dennis Chambers <dennis-chambers@outlook.com>
Date: December 3, 2022 at 1:21:21 PM PST
To: pchearingcomments@co.monterey.ca.us
Subject: **PLN100338 - 1170 SIGNAL HILL RD. PEBBLE BEACH**

Dear Planning Commission Members

Ms. Mehdipour's property rights are being and have been trampled for over 10 years. The unnecessary use of the EIR was a sledgehammer approach in an attempt to destroy her ownership rights to build a new, **fully design compliant**, and architecturally attractive home.

Why specific neighbors want to preserve this old home is a mystery other than to express a personal bitterness towards Ms. Mehdipour by using a very questionable Historical Registration ploy.

We fully support Ms. Mehdipour's request to move forward with removing the existing home, which is completely deteriorated. It's beyond salvageability and of insignificant noteworthiness! This home will be replaced with a new home designed by the internationally acclaimed architect Ricardo Legorreta.

It's time to let this fiasco come to an end and allow Ms. Mehdipour to build her new home.

Sincerely,

Carl D. Chambers
Heather E. Roberts
225 The Crossroads Blvd.
PMB 378
Carmel, CA 93923

From: [Sateez Kadivar](#)
To: [293-pchearingcomments](#)
Subject: Planning Commission Hearing January 25, 2023 Agenda Item # 4 (PLN100338 - SIGNAL HILL LLC) - APPROVE THE PROJECT ALREADY
Date: Monday, January 23, 2023 10:06:47 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Monterey County Planning Commission,

I am looking forward to your conducting the hearing this Wednesday January 25, 2023 to approve the Massy Mehdipour project. Hopefully, Tony Lombarto does not have any more vacation plans that need to be accommodated by Monterey County. Please be on high alert this week for more delay and harassment tactics from him and others. Please also remember that the neighbor / Lombarto team of harassers is not a party to this matter, and should stop getting so much preferential treatment, all at the expense of property owner Massy Mehdipour.

Please follow the recommendation of the Staff Report (and the HRRB resolution) and approve the demolition of the existing pile of rubble and the approval of the Massy Mehdipour project immediately.

The decade long campaign of harassment and discrimination by Mr. Neighbor against Ms. Mehdipour must come to an end. **It is 2023, and not 1823, and women are afforded the same property rights as men in the United States of America.**

The Planning Commission must also take this action immediately without any further delay or non-sense. Both the neighbor and Monterey County have been trampling on Ms. Mehdipour's property rights for far too long.

It took Monterey County **4 Years** to go from the Draft EIR to the Final EIR for a single-family home! The only thing to occur between a Draft EIR and a Final EIR is to respond to the comments received. Inexplicably, this process took 4 years! 4 Months should have been plenty of time! **But it took 4 Years!** Monterey County, as a governmental agency, cannot deprive private property owners of their rights unjustly. What has occurred constitutes a governmental taking without just compensation. **Justice delayed is justice denied!**

Please understand that Monterey County law prohibits this house to be considered "historic." Yes, that's right - because Monterey County Code 18.25.060 requires that an owner must consent. This is Monterey County law. The law reflects the will of the people and sets expectations when people buy property in Monterey County. This law demonstrates that Monterey County actually respects private property rights. Indeed, without respect for property rights, the beautiful homes in Pebble Beach would not get built! You need to follow Monterey County law and respect property rights. Since owner consent is required and clearly not given, you must approve the demolition of the existing mess and approve her project.

The house was very very poorly designed and built from the outset. The house has been in a state of deterioration since it was built. The preservation activists that the neighbor has spun up into a frenzy to support his campaign of harassment like to use the term “Demolition by Neglect,” which is just *ridiculous* in this instance considering how poorly the house was designed and built.

In support of my assertion, I would like to share with you what the original owners said over 60 years ago. Please see below from the original owner Arthur Connell:

“the house turned out to be not ideally suited for the environment. The main problem was that Cypress Point is exposed to northwest and southerly winds which exceed 30 knots with gusts to 50 and 60 on occasion, and these persist for long periods. I feel certain that the air flow through the house could be as much as 1 or 2 knots, despite all windows and doors being closed, and the heat just never went off...the house leaked somewhere in every rain storm.”

Reference: Pages 268 – 269 from the Thomas S Hines book published in 1982; the same book referenced in the Draft EIR.

Let me repeat some of the key statements:

<!--[if !supportLists]-->1. <!--[endif]-->The house turned out to be **not** ideally suited for the environment.

<!--[if !supportLists]-->2. <!--[endif]-->The air flow through the house could be as much as 1 or 2 knots, despite all windows and doors being closed.

<!--[if !supportLists]-->3. <!--[endif]-->The house leaked somewhere in **every** rain storm.

As you know, there have been quite a few rain storms at this location over the last 60 years! This house was on a path of deterioration from the very beginning.

In addition, **the entire notion that this property is historic is actually quite silly.** Please see the following excerpt from a historian’s report (Source: Circa Historic Property Development (Sheila McElroy) provided in December 2011):

“The residence was designed by the Los Angeles (Silver Lake) architectural firm of Richard Neutra, however, there is no evidence that Neutra himself designed the residence, approved the set or even visited the site. What appears to be the original project plans (on file) are not signed by Neutra, or anyone from the firm, therefore the plans cannot be presumed to be approved (or not approved) by Neurta. In addition, Neutra was collaborating with many associate architects in his Silver Lake office, such as John Blanton, where the main focus was on small-scale residential design, therefore it is impossible to determine who actually designed the residence at 1170 Signal Hill Road. The residence is not identified as one of the firm’s exemplary or even particularly distinctive residential designs. Indeed, the residence is noted for its incompatibility with the environment (water leaks, wind gusts throughout, heating

problems, etc.) and has suffered from undocumented changes and alterations to the original design including replacement of Neutra's signature ribbon windows and enclosure of the courtyard area.”

Again, the above is from 2011. The purported architect never even visited the site, but now we're pretending like it's so important that it needs to be preserved? That is just utter madness.

Also, you should understand that the process of getting the house “eligible” for nomination is a rubber stamp process by preservationist activists and the determination is made without them even visiting the house when invited to do so!

Lastly, I want to make sure that the Planning Commission fully understands, as referenced in the above historical report quote, that the house was remodeled in 1993 amounting to a 25% change and therefore that alone undermines any so called “historical integrity.”

Please adopt the resolution to approve her project and begin to make reparations for 13 years of injustice!

Sincerely,

Sateez Kadivar

From: [Ben Rogan](#)
To: [293-pchearingcomments](#)
Subject: Planning Commission Hearing January 25, 2023 Agenda Item # 4 (PLN100338 - SIGNAL HILL LLC) – Mehdipour Project
Date: Monday, January 23, 2023 9:49:45 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Monterey County Planning Commission,

It is absolutely ridiculous that it has taken Monterey County four years to go from a Draft EIR to a Final EIR.

Please adopt the resolution drafted and recommended by Staff to **APPROVE** the Massy Mehdipour project.

The absurdity of the last 10+ years needs to come to an end.

Thank you,

Ben Rogan

Ben Rogan
President
Highland Development, Inc.
100 Winchester Street
Medford, MA 02155

O 781.393.0006
C 617.877.1085
ben@highlanddevelopment.net
www.highlanddevelopment.net

Follow Highland Development Inc.
[LinkedIn](#) | [Blog](#)



From: [SARAH KAYSON](#)
To: [293-pchearingcomments](#)
Subject: Planning Commission Hearing January 25, 2023 Agenda Item # 4 (PLN100338 - SIGNAL HILL LLC) – Massy House
Date: Monday, January 23, 2023 8:41:40 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Good morning,

I am writing to urge you to support the Planning Department Staff recommendation and allow Massy Mehdipour to completely demolish the existing house on her property and replace it with her own design. As a resident of Pebble Beach, I support her property owner rights and believe the fifteen years of delays should be put to rest.

Thank you for your time and consideration -
Sarah Kayson

Nancy Runyon
1195 Hoffman Avenue
Monterey, CA 93940

January 23, 2023

Francisco Mendoza, Chair
Monterey County Planning Commission
1441 Schilling Place
Salinas, CA 93901

RE: PLN 100338, 1170 Signal Hill, Pebble Beach; The Connell House

Dear Chair Mendoza and Members of the Planning Commission,

I hope that you have thoroughly reviewed the EIRs and read the letters from all over the world in support of preservation of the Richard Neutra designed Connell House. This house is listed on the California Register of Historic Resources, has been determined eligible for the National Register of Historic Places, and is pictured as THE example of International Style in the Pebble Beach Historic Context Statement. The loss of this historic resource cannot be mitigated to less than a significant impact under CEQA. Your decision will set precedent for whether historic resources will be valued and protected in Monterey County, or not.

It is not only fans of modern or historic architecture that support preservation of the Connell House. The letter to the County from the **California Coastal Commission (CCC)** of October 12, 2018 points out that the entire property is considered **Environmental Sensitive Habitat Area (ESHA)**. Paragraph 5 states, "...the LUP plainly prohibits the uses and disturbance proposed by the project. The LUP does not provide an exception to allow for expanded residential uses and the permanent loss of dune ESHA for projects that include mitigation."

The CCC letter to the County of March 18, 2015 (paragraph 7) states: "We highly recommend the Lead Agency consider a project alternative that retains the historic property, and rehabilitates the building following the Secretary of Interior's Standards for the Treatment of Historic Properties. This would be in keeping with the spirit and the intent of the County's historic preservation program which has been reviewed and certified by the National Parks Service as a Certified Local Government historic preservation program."

Many neighbors have expressed alarm about the size of the proposed project. People who and saw the story poles from 17 Mile Drive in July 2011 wrote that they thought it was for a hotel, and not appropriate for the site. The letter from the Lombardo Law firm of January 4, 2023 to the HRRB clearly points out many of the violations of the Local Coastal Plan and County Ordinances that this application requests.

The current condition of the Connell House has been entirely under the control of the applicant since 2004. They could have used insurance to repair any vandalism and their application demonstrates they could have easily afforded to repair any deterioration due to time and weather. And as the letter from the California Preservation Foundation (October 12, 2018) states, "**Poor Condition Does Not Equate Poor Integrity**"..."By all accounts and as reiterated in the Draft EIR, the Connell House retains exceptional Historic Integrity to continue to be eligible for listing in the National Register, despite its deteriorating condition." And: "**Infeasible Mitigation: Replacing a historic residence with a residence designed by a notable architect.** We agree with the conclusion of the DEIR that the replacement of the Connell House ... does not constitute mitigation..."

County staff has tried to accommodate the applicant for over 15 years starting with illegal Cypress tree removal and code violations concerning the condition of the house. But this site is just not appropriate for what they are requesting. If the applicant had chosen to restore and repair the Connell House, they could have been enjoying the wonderful views of Fan Shell beach and the Pacific Ocean for all these years--- without trying to violate the Monterey County Local Coastal Plan, the Del Monte Forest Land Use Plan, and the California Environmental Quality Act. The established rules, especially environmental, should be applicable to all of us.

Please make the right decision and support the **Environmentally Superior Alternative 1-Preservation and Restoration**, of the only remaining example of the internationally renowned architect Richard Neutra's work in Monterey County.

Thank you for your thorough examination of this application, the exceptions to the rules it requests and consideration of the precedents your decision will create.

Nancy Runyon

**Maureen Wruck
701 Pajaro Street
Salinas, CA 93901**

January 21, 2023

Francisco Mendez, Chair
Monterey County Planning Commission
c/o Monterey County Housing and Community Development
1221 Schilling Place, South 2nd Floor
Salinas, CA 93901

Re: Support for Permit Approval - Signal Hill, LLC (PLN100338)

Dear Chair Mendez and Members of the Planning Commission:

I am writing to voice my support for the staff recommendation for approval of the Signal Hill Project. This application for a single-family residential demolition and replacement was initially filed with Monterey County in November 2010. I have sympathy for the permitting process the owners were required to follow and associated costs. It is hard to imagine that a permit to build a new single-family home in the Coastal Zone has taken 12 ½ years to get to a public hearing.

It strikes me that the permitting process applied to these circumstances are night and day from what the County has required of other owners of historic properties wishing to demolish and rebuild in the Del Monte Forest. Two examples that come to mind are:

- Feather Cypress, LLC PLN210276. Agenda Item #3 on the January 25, 2023 Planning Commission public hearing similarly allows demolition of an existing historic structure and construction of a new single-family residence. This permit allows the demolition of a Spanish Colonial Revival residential estate designed by renowned California architect George Washington Smith, with many commissions in the 1920's and 1930's in Montecito and Santa Barbara. This Coastal Development Permit was filed in late December 2021 and is scheduled for hearing in 13 months. There are only 21 Conditions of approval. I guess there are no ardent George Washington Smith adherents in the local architectural or historical community; and,
- El Why Squared, LLC, PLN160117. In this application, the Planning Commission approved the demolition of a historic structure, to be replaced with a new single-family residence. This permit review and approval only took 13 months, with the application in July 2016 and approval granted by the Planning Commission in July 2017. The former historical residence that was demolished was designed by noted Pasadena architect, Harry Simms Bent. In addition to architectural commissions in Pasadena, Simms-Bent was also active in Los Angeles, particularly

with his work on the La Brea Tar Pits Observation Pit and the Los Angeles County Arboretum and Botanic garden.

The applicant has been run through an exceptionally long, complicated, inconsistent, stressful and difficult permit review process. It seems patently unfair that similarly situated owners with similarly pedigreed historic homes on 17 Mile Drive noted above were allowed to go through a much easier and shorter CEQA and coastal permit review process of just slightly over one year and this applicant has spent over 12 years to obtain the exact same type of permits. Signal Hill, LLC has commissioned world renowned Modernist architect Ricardo Legorreta for the new residence. We support the project approval for this home. We respectfully ask the Planning Commission to certify the environmental document and approve the Combined Development Permits needed to implement the project as designed.

Thank you for your consideration of my support for this project. I hope that things will change at the County and the “playing field” on historic review will be revisited. I simply suggest that historic review standards and conditions of approval be consistently applied property-to-property, including the CEQA review.

Sincerely,

Maureen Wruck
(digitally signed)

Maureen Wruck

From: [Karen Throop](#)
To: [Sateez Kadivar](#); [293-pchearingcomments](#)
Subject: Jan. 25, 2023 hearing agenda #4, Massy House
Date: Saturday, January 21, 2023 4:26:19 AM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Massy Mehdipour is an outstanding citizen, mother, grandmother and business woman. She has only good intentions and should not have been denied building her home on Signal Hill in Pebble Beach.

Any house Mrs. Mehdipour builds adds value and beauty to her neighborhood and will be a tribute to Pebble Beach.

Please approve this project as it is time to end the harassment from her neighbor, Sam Reeves.

Sincerely,

Karen Throop
999 Customs Road
Pebble Beach, Ca 93953

From: [Mike Clair](#)
To: [293-pchearingcomments](#)
Subject: Additional Correspondence for Agenda Item No. 5 - PLN100338 Signal Hill LLC - January 25, 2023 Planning Commission
Date: Friday, January 20, 2023 7:29:28 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Ms. Magana, Ms. Israel, Mr. Mendoza & Monterey Planning Commission-

Thank you for sharing these letters at the December 7th meeting from:

1. **Barbara Lamprecht**
2. **Anthony Kirk**
3. **Raymond Richard Neutra**
4. **Bill Wolpert**
5. **Mimi Sheridan**

Why do these people/organizations care so much about preserving this piece of junk!?

Please look at these photos of this Signal Hill building, and ask yourselves, honestly and seriously, what is the reason for seeking to “preserve” or “restore” a completely decimated shamble of a former building for any reason whatsoever????

That is a honest question, which needs an honest answer???

I would like Mr. Mendoza to answer this specific question out loud, and for the record, speaking for the entire Planning Commission, at the January 25th meeting.





Also, it is NOT TRUE, by actual fact, that Ms. Mehdipour purposefully destroyed any part of this property. This is a salacious accusation that appeared, in one of the letters from of the letter writers above, which is a falsehood, and has slanderous legal implications!

WHAT IS THE REAL MOTIVATION FOR PROLONGING THE INJUSTICE, AGONY AN EXPENSE ASSOCIATED WITH THIS "HISTORICAL PRESERVATION" PLOY!??

THIS TRAGEDY IS 12 YEARS IN THE MAKING. IT DOES NOT NEED TO BE PROLONGED ANOTHER DAY, ESPECIALLY SINCE MS. MEHDIPOUR HAS ALREADY DECLINED. THE CALIFORNIA OFFICE OF HISTORIC PRESERVATION DEPARTMENT'S REQUEST TO MAKE THIS AN HISTORIC LANDMARK, WHICH IS HER LEGAL RIGHT, UNDER CALIFORNIA LAW.

FURTHERMORE, THIS BUILDING IS NOT CONSIDERED "HISTORIC" BY MONTEREY COUNTY BECAUSE THE LOCAL ORDANICE "REQUIRES" THAT THE "OWNER" MUST CONSENT (Monterey County Code 18.25.060).

MS. MEHDIPOUR IS ALREADY OFFICIALLY "ON RECORD" AS "NOT CONSENTING"!

WHAT IS THE POINT OF ALL OF THIS DELAY???

MS. MEHDIPOUR DESIRES TO REMOVE THIS PITTIFUL EYESORE, AND BUILD A NEW, AND BEAUTIFUL HOME, FOR HER FAMILY, WITH THE APPROPRIATE LANDSCAPING THAT ENHANCES THE BEAUTY OF THE 17 MILE DRIVE AND SURROUNDINGS, WHICH IS ALL INCLUDED, AND PORTRAYED, IN HER REQUEST FOR A BUILDING PERMIT. MS. MEHDIPOUR IS IN FULL COMPLIANCE WITH ALL REQUESTED MODIFICATIONS AND BUILDING CODES.

Thank you for your understanding of this very straightforward issue.

Michael Clair

Monterey County