

# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

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March 20, 2015

Mr. Anthony Lombardo  
450 Lincoln Avenue, Ste. 101  
Salinas, California 93901

Regarding: PLN140300 – Request for Delay in Hearing Date for Flores Appeal

Mr. Lombardo:

On March 20, 2015, RMA-Planning received your request for the Flores Appeal (PLN140300) “*be delayed for an undetermined period.*” The request for delay is to allow your office to work with the applicant to identify potential modifications and mitigations for the project.

As you are aware, Monterey County Code, Section 21.80.090.E dictates:

*“The Appeal Authority shall consider an appeal and render a decision within sixty (60) days after receipt of the appeal.”*

As stated in the March 20, 2015, letter, the Flores Appeal was filed on February 17, 2015, and subsequently scheduled for consideration by the Board of Supervisors on April 14, 2015. The April date complies with the mandated 60 day deadline, and no subsequent date would allow compliance with the requirement contained in MCC 21.80.090.

Furthermore, MCC 21.80.090.D states:

*“If a request for a continuance is granted, the person who makes such request shall notify the interested public in the same manner and to the same extent that notice was given to the public for the public hearing from which consideration of the appeal was continued. The notice shall state the date to which the hearing upon the appeal is continued. Failure to give notice may be grounds for denial of an appeal.”*

Based upon the requirements of MCC, the item cannot be scheduled later than April 14, 2015, and a continuance needs to be request at the April 14, 2015 Board of Supervisors hearing. On this date, a continuance request can be made, to a date certain, with concurrence of the Board of Supervisors. A continuance “*for an undermined period*”, cannot be unilaterally granted by RMA-Planning Staff.

Additionally, as you and your client are aware, throughout the course of project review and during the Planning Commission hearing, there was substantial public interest, concern, and input regarding this project and potential impacts from the proposed development.

At the conclusion of the Planning Commission hearing, the requested permits were denied and full site restoration (tree removal and grading) was ordered. The denial of the permits, therefore, resulted in a violation remaining on the subject site. Therefore additional projects and permits on the subject site cannot be considered by the County of Monterey (Planning or Building) until and unless: 1) the appeal is granted and the denial of the Combined Development Permit is overturned or 2) an application for full site restoration is approved and implemented. Full site restoration includes those areas of the property where trees were removed without permits, including the areas of cut and fill shown on the grading permit 13CP01799.

Since the filing and the processing/preparation of the Flores appeal, the public interest has not waned, and it would not be fair to the interested public to continue this for an undetermined amount of time since this has been an ongoing conflict of over a year.. For this reason, the appeal needs remain on the Board of Supervisors agenda for April 14, 2015, to allow the appeal authority (Board of Supervisors) to make a determination on the best course of action for this matter.

Kind Regards...

A handwritten signature in black ink, appearing to read "D. Mack", written over a faint circular stamp or watermark.

David J. R. Mack  
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RMA-Planning  
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cc: Clerk of the Board of Supervisors