

Attachment J
Letter from Anthony Lombardo to
Planning Commission
dated August 28, 2012 with attached
letters from
Environmental Design

Signal Hill, LLC
PLN100418

ATTACHMENT J

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

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August 28, 2012

Monterey County Planning Commission
168 West Alisal Street, Second Floor
Salinas, CA 93901

Re: Signal Hill LLC
PLN 100418

Dear Chair Roberts and Members of the Commission:

I am writing regarding the most recent submittals from the applicant (some of which we received as late as yesterday) regarding the unpermitted tree removal and grading done by the applicant on this property.

My clients, and as far as I can tell everyone else who has reviewed this matter, are of the opinion that the applicant intentionally and without permit removed the mature Cypress trees and graded the dunes because it would otherwise have been impossible for her to obtain approval to do so as a part of her original application to demolish the existing home and replace it with a 14,000-plus square foot home.

Clearly this is not the first time nor will it be the last time that the County deals with a situation like this. What is most important is that the ordinances are interpreted in a consistent manner whether the violation is in Prunedale or Pebble Beach, Castroville or Carmel; and that the purpose of the ordinance, to prevent people from benefitting from their own wrongdoing, is achieved.

In my clients' opinion, it cannot be coincidence that the unpermitted tree removal and dune grading just accidentally happened to coincide with the design of the new home that the applicant proposes on this site.

After your first hearing on the proposed restoration plan my clients also felt that the County had not been given accurate or adequate information on the potential for the replacement of the trees in the location where they were removed.

After the last hearing, my clients contacted Environmental Design from Houston, Texas, which is the company that is responsible for the transplanted of most of the mature trees that are

relocated in Pebble Beach, California, including the giant Cypress tree that was replaced in the exact location where a tree had died in front of the 18th green at Pebble Beach.

As you can see from the attached letters, Mr. Cox of Environmental Design, who is the unquestioned national expert in this field, refutes completely the notion that the trees cannot be replaced in the exact location from which they were removed. Environmental Design's second letter also responds to the applicant's unsubstantiated allegation that it would cause too much damage to the dunes to replace the trees in the exact location from which they were removed.

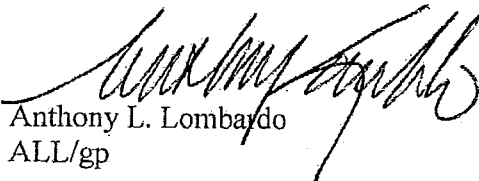
Neither the applicant's original story that soil pathogens would preclude the replacement of the trees in the location from which they were removed nor their most recent story that the dunes (which they allege are already degraded) would be damaged as a result of relocating the trees where they were removed hold any water whatsoever.

My clients respectfully request that the Commission follow the requirements of Section 20.90.130 and require the restoration of the site and replacement of the illegally removed vegetation and dune forms with specimen Monterey Cypress trees which the unrefuted expert evidence shows can be replaced in the exact location from which they were removed. Planting small box trees is not going to restore the site and there is no question that this applicant has economic wherewithal to purchase existing specimen sized trees and hire the qualified professionals to replace the trees.

Since it is clear that it is not in the applicant's best interest to see this restoration succeed, my client respectfully requests that the Commission add as an additional condition of approval a requirement that the County (not the applicant) retain a qualified expert to monitor the health of the trees and the restoration process at the applicant's expense to ensure that there is not a convenient failure of this restoration.

I apologize for the last minute nature of this submittal but because of the fact that my clients have been getting information up through yesterday from the County and the applicant, it has necessitated the late date for the submittal of this information.

Respectfully submitted,


Anthony L. Lombardo
ALL/gp

Enclosures

cc: Mike Novo
Delinda Robinson
Clients



www.treemover.com

August 3rd, 2012

Anthony Ridder
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Pebble Beach, Ca. 93953
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Re: Monterey Cypress loss mitigation and replacement

Dear Mr. Ridder,

My Company is expert in the transplanting of mature trees. We have done work throughout California and have worked extensively in the Pebble Beach area. Our clients include the world renowned Golf resort of Peeble Beach Company, Tehama, Carmel Development, Cypress Point Golf Club, Stanford University, Apple Computer, Coppola Vineyards, The Presidio in the immediate areas. We are also the supplier and installer for the 9/11 Memorial, United States Capital Visitor's Center, the infrastructure project at the White House and numerous other projects throughout the world. We have transplanted over 100 major trees in the Pebble Beach area. One of the most notable is the Monterey Cypress at the 18th green of the Pebble Beach Golf Course. (*See attached photo*)

Monterey Cypress (*Cupressus macrocarpa*) is a unique species indigenous to a narrow bio-culture congruent to the low cliffs on either side of Carmel California. Although they occur elsewhere along the Pacific coast from Vancouver Island to San Diego, the Monterey peninsula is the only place the species occurs in the wild.

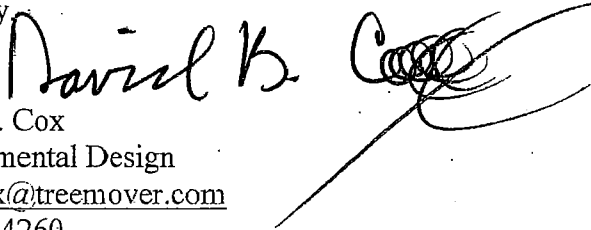
I viewed the Mehdipour property from surrounding adjacent properties on Wednesday July 25th 2012. The purpose of this site visit was to evaluate accessibility, slope conditions, sand dune protection areas and general plant health care conditions. In comparing satellite photos from 2007, 2009 and the present state, it is clear that a significant portion of the Monterey Cypress canopy has been removed. Three large stumps in excess of 24" diameter were visible from a distance of 100' or more. More badly pruned Monterey Cypress trees are evident. In comparing the satellite photos, I believe at least 5 and possibly 7 or more trees have been removed unnecessarily.

I read the reports from Maureen Hamb and Steven Staub. Ms. Hamb states and Mr. Staub seems to agree that one of the reasons seedlings failed was the presence of *Phytophthora* and *Pythium* in the soil as a result of the decaying roots from the removed trees. *Phytophthora* and *Pythium* are routinely encountered in the remaining root systems of the trees being replaced. I cannot confirm the existence of either of *Phytophthora* or *Pythium*. I can confirm that both are very common, readily correctable soil conditions. In transplanting trees most of the old root system and surrounding soil, and therefore the fungus, is removed to make room for the root ball of the new tree. Real keys to success are removing the old root systems, properly preparing and treating the soil and regular care for 3-5 years after transplanting.

In situations where significant trees have been lost, it is our opinion that the canopy should be replaced in as near its original condition as possible. In this instance, replacement is a viable option. Monterey Cypress is readily transplanted from available stock in the immediate area. Significant size trees have proven their proclivity to sustain a transplanting with minimal impact to future plant health and growth. Our company regularly transplants Monterey Cypress in like conditions to the subject property with a high degree of success. (See Photo below of large Cypress moved in 2003)

In conclusion, I can see no reason that mature Monterey Cypress trees cannot be successfully transplanted to this site.

Sincerely,



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August 27th, 2012

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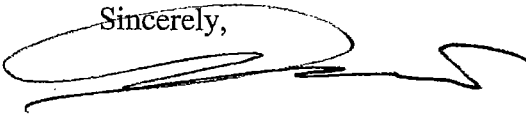
Re: Monterey Cypress loss replacement 1170 Signal Hill

Dear Mr. Lombardo,

I have received your request to clarify any ingress/egress issues involved in replacing the lost trees on the above-mentioned property. Having viewed the property and its proximity to the protected dunes, I can assure all concerned parties our company has considered means and methods to perform the tree replacement task. We would be able to prepare the site and transplant major trees without significant disruption of the dune habitat. The site is readily accessible for the equipment we would use from the existing driveway then along the rear side of the house to the locations of the removed trees.

It is common in our profession to encounter protected wetlands, uplands, established turf, soft sub-strate and other parameters of difficulty. We have developed many methods to work on, near, or adjacent to these situations. These methods may include matting, cantilever crossings, bridging, tracking, or handling equipment that has the capacity to lift and set from the nearest paved surface. I can assure you we have the capacity to design and engineer the right method for the right application. Case and point is the strattle carrier we designed and built to carry and plant trees on the plaza for the 9/11 Memorial at ground zero in Manhattan. That site required we deliver and plant ten ton, 30-35' swamp white oak trees on structure built over a five story basement. Another instance required moving 90' tall cypress trees beneath high line wires and over a 48" water main in the city of Oldsmar Florida. I could site many more if required. Should this project or instance proceed to the point of specifying the actual candidate replacements, we will employ the necessary resources to engineer a solution.

Sincerely,



David B. Cox
Vice President Western Region
Environmental Design

MARK MERIT
FOR DAVID COX