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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

In the matter of the application of:
SIGNAL HILL LLC (PLN100338)

RESOLUTION NO. _____

Resolution by the Monterey County Board of
Supervisors to:

- 1) Certify the Signal Hill LLC Environmental Impact Report (SCH#: 2015021054);
- 2) Adopt CEQA Findings and a Statement of Overriding Considerations;
- 3) Deny the appeal by Raymond Neutra, aka Neutra Institute for Survival Through Design from the January 25, 2023 Planning Commission decision approving the Combined Development Permit (PLN100338/Signal Hill LLC);
- 4) Deny the appeal by Samuel Reeves represented by Anthony Lombardo, Esquire, from the January 25, 2023 Planning Commission decision approving the Combined Development Permit (PLN100338/Signal Hill LLC);
- 5) Deny the appeal by Alliance of Monterey Area Preservationists from the January 25, 2023 Planning Commission decision approving the Combined Development Permit (PLN100338/Signal Hill LLC);
- 6) Approve a Combined Development Permit for the “Reduced Height Project” (Alternative 9 of the Final EIR) consisting of:
 - a) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 4,124 square foot single family residence and the construction of a new three level 11,933 square foot single family residence including an attached three-car garage, a 986 square foot entry court, 106 square feet of uncovered terraces, approximately 2,600 square feet of covered terraces, new driveway, and approximately 1,700 cubic yards of grading (1,200 cubic yards cut/500 cubic yards fill) and restoration of approximately 1.67 acre of native dune habitat;

- b) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and
 - c) Coastal Development Permit for development on slopes exceeding 30 percent;
 - d) Coastal Development Permit for development within 750 feet of a known archeological resources;
 - e) Coastal Development Permit for Ridgeline Development; and
 - f) Coastal Development Permit for removal of three Monterey Cypress trees.
- 7) Adopt a Mitigation Monitoring and Reporting Plan.

[1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan (APN: 008-261-007-000)]

The Signal Hill LLC application (PLN100338) came on for public hearing before the Monterey County Board of Supervisors on May 9, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. FINDING:

PROCESS, PROJECT DESCRIPTION AND

CONSISTENCY – The County has processed the subject application for demolition and construction of a single-family dwelling (Planning File No. PLN100338/Signal Hill LLC) in compliance with all applicable procedural requirements. The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a)

Conformance with Plans. Staff reviewed this project for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Del Monte Forest Area Land Use Plan (LUP);
- Monterey County Coastal Implementation Plan Part 5 (CIP);
- Monterey County Zoning Ordinance (Title 20);

Public comment submitted during project review alleged that the project was inconsistent with the text, policies, and regulations in these documents on various grounds. Staff has considered these comments and made appropriate revisions to the project and/or mitigation measures when it concluded these

- comments had merit. Additionally, the Environmental Impact Report (EIR) addressed these comments as to alleged and potential inconsistencies with text, policies, and/or regulations.
- b) Allowed Use. The property is located at 1170 Signal Hill Road, Pebble Beach (Assessor's Parcel Number 008-261-007-000), Del Monte Forest Area Land Use Plan (LUP). The parcel is zoned "LDR/1.5-D (CZ)" [Low Density Residential, 1.5 acres per unit with Design Control Overlay (Coastal Zone)], which allows residential uses. This project consists of demolition of an existing single-family dwelling and construction of a new single-family dwelling with associated site improvements for residential use. Therefore, the project is an allowed land use for this site.
- c) Project Description. In 2010, an application was filed on behalf of the property owner Signal Hill LLC (Massy Mehdipour) for the demolition of an existing 4,124 square foot single family residence and the construction of a new three level 11,933 square foot single family residence including an attached three-car garage, a 986 square foot entry court, 106 square feet of uncovered terraces, approximately 2,600 square feet of covered terraces, new driveway, and approximately 1,700 cubic yards of grading (1,200 cubic yards cut/500 cubic yards fill) and restoration of approximately 1.67 acre of native dune habitat. Proposed materials and colors for the new dwelling include reddish beige stucco, beige stone cladding, gray slate roofing on sloped roof with brown wood on the underside of eaves and gray gravel roofing on the flat roof surfaces, and reddish black metal door and window frames. Three Monterey Cypress trees are proposed for removal. (The proposed project was for a structure with a maximum height of 30 feet, and therefore is referred to herein as the "Full Height Project".) Except where otherwise noted, this Resolution contains Findings and Evidence in support of a revised project or project alternative that is described in the EIR as Alternative 9, "Reduced Height Project," identical to the Full Height Project but reduced in height from the Full Height Project by five feet or no more than 25 feet in height as measured from average natural grade ("the RH Project").
- d) Historic Resources. The existing house proposed for demolition was designed by Richard Neutra for Arthur and Kathleen Connell in 1957. The "Connell House" was listed on the National Register of Historic Places and was automatically added to the State Historic Landmark Register on June 13, 2014. The key cultural resource policy of the LUP (pg. 5 of the LUP) requires that resources be maintained, preserved, and protected for their scientific and cultural heritage values. The policy suggests that new development "incorporate site planning and design features necessary to avoid impacts to cultural resources, and where impacts are unavoidable, they shall be minimized and reasonably mitigated." The current

application proposes demolition of the existing house, which represents a significant impact to the cultural resource. Preservation of the Connell house has been considered but was found to be practically infeasible. Reasonable mitigation is proposed that would require documentation of the existing structure, but this mitigation would not reduce the significance of the impacts of the project to a less than significant level. A separate Finding (Finding 13) is included in this Resolution regarding the historic resource.

- e) Historic Resources Review Board. The Full Height Project was referred to the Historic Resources Review Board (HRRB) for review on three occasions. On August 4, 2011, the proposed demolition of the existing house was discussed and the HRRB voted unanimously to deem the residence a significant historical resource under State of California Criterion 3. On March 6, 2014, the HRRB reviewed a referral from the State Historic Preservation Officer (SHPO) and voted in favor of listing the Connell house on the State and National Registers of Historic Resources. On August 6, 2014, August 24, 2015, and September 3, 2015, the HRRB considered plans to address damage and neglect of the existing house and voted to approve a Mothballing Plan (Resolution No. 15CP01861). On January 5, 2023, the HRRB reviewed the project and made a recommendation to the Planning Commission to approve the Reduced Height Alternative, Alternative 9 of the EIR (voted 3 ayes and 1 no with 1 abstaining, 2 recused). See Finding 13 for more detail on historic resources.
- f) Environmentally Sensitive Habitat. Pursuant to section 20.14.030.E, of the Coastal Implementation Plan, Part 1 (Coastal Zoning Ordinance), a Coastal Development Permit is required for development within 100 feet of Environmentally Sensitive Habitat Areas (ESHA). The site is located within coastal sand dune habitat, which is considered ESHA as defined in the LUP and CIP. With grading and construction staging areas, a total of 0.39 acres (including the existing development footprint of 0.16 acres) will be impacted from construction of the Project. Restoration of native dune habitat is proposed. The Project, as conditioned and mitigated, will have a less than significant impact on ESHA. A separate ESHA Finding (Finding 12) is included in this Resolution.
- g) Tree Removal. Three Monterey Cypress trees will be removed for the development. An Arborist Report was prepared that concluded that the trees are not within the native habitat identified as a type of ESHA in Figure 2a of Del Monte Forest Land Use Plan. Mitigation measures are proposed in the EIR which serve as the basis for the full replacement and improves the long-term screening of the development. A separate tree removal Finding (Finding 15) is included in this Resolution.
- h) Development on Slopes. Pursuant to section 20.64.320 of the Monterey County Coastal Implementation Plan Part 1 (Coastal

Zoning Ordinance), a Coastal Development Permit is required for development on slopes of 30% or greater. The Project involves development on approximately 870 square feet of area containing slopes greater than 30%. The Project minimizes development on slopes; the geotechnical report concluded that development on slopes is feasible. A separate slope development Finding (Finding 15) is included in this Resolution.

- i) Visual Resources. A Coastal Development Permit is required for Ridgeline Development pursuant to section 20.66.010 of the Coastal Zoning Ordinance. The proposed single-family dwelling is just below the crest of a hill. The staking and flagging of the originally proposed structure was found visible against the sky when viewed from Fanshell beach. The property is = within the viewshed area of 17 Mile Drive as mapped in Figure 3 of the Del Monte Forest Land Use Plan. Pursuant to Del Monte Forest Area CIP section 20.147.070(6), a permit for development on the crest of a hill that would silhouette against the sky may only be granted if the decision making body makes a finding that: 1) there are no alternatives to development so as to avoid ridgeline development; 2) the proposed development will not have a significant adverse visual impact due to required landscaping, required modifications to the proposal, or other conditions; or, 3) development on the ridge will minimize grading, tree removal or otherwise better meet resource protection policies or development standards of the Local Coastal Program. Further, section 20.147.070(6) states that “the proposed development shall be modified for height, bulk, design, size, location and siting and/or shall incorporate landscaping or other techniques so as to avoid or minimize the visual impacts of ridgeline development as viewed from a public viewing area.” The Full Height Project is taller and larger than the existing dwelling. Photo-simulations indicate that the new house could be silhouetted against the sky on the ridge off Signal Hill Road when viewed from Fanshell Beach. The RH Project will reduce the height and visibility of the proposed dwelling and vegetative screening will be provided so that the Project would comply with visual resource policies of the Del Monte Forest Land Use Plan and will not have an adverse visual impact on the 17 Mile Drive viewshed. A separate ridgeline development Finding (Finding 14) is included in this Resolution.
- j) Archeological Resources. A Coastal Development Permit is required for development within 750 feet of a known archaeological site. Pursuant to LUP Policy 58 and CIP section 20.147.080.B, an archaeological survey was prepared for the project (see Finding 2, Evidence b). The general surface reconnaissance on the subject parcel had results that were negative for resources, but the report’s research found a known prehistoric site within 750 feet of the project site. Conditions

- 12 through 15 are the Archaeological Mitigation and Monitoring Measures. They include construction personnel training, submittal of an archaeological monitoring plan that includes monitoring and respectful treatment of any human remains pursuant to Public Resources Code Section 5097.98.
- k) Soils and Geology. The project site is located within 1/8 mile of a potentially active fault. Pursuant to CIP section 20.147.060.A, a geologic report was prepared (See Finding 2, Evidence b). The report concluded that the proposed development is feasible from a geologic and soil engineering standpoint, provided the recommendations included in the report are incorporated into the project. Mitigation Measure GEO/mm-1.1, requiring that all development be in conformance with the reports prepared for the project as a condition of approval, has been applied to the project (Condition No. 34).
- l) Design. The site is in a Design Control (D) Zoning District. The purpose of the Design Control Zoning District is to provide a district that regulates the location, size, configuration, materials, and colors of structures and fences in those areas of the County where a design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and the visual integrity of certain developments without imposing undue restrictions on private property. The Signal Hill LLC project has been reviewed for siting, design, colors, materials, height, character, and viewshed impacts. The subject site is in an identified public view area from 17 Mile Drive, as shown on Figure 3 of the LUP (Visual Resources map). It is also in the viewshed of public vantage points along the shoreline of Fan Shell Beach. The scenic and visual resources policy guidance statement of the LUP states that it is the plan is intended to “protect the area’s magnificent scenic and visual resources, to avoid incompatible development, and to encourage improvements and facilities which complement the natural scenic assets...” LUP Policy 51 requires buildings developed on residential lots in the Visual Resources area to be “situated to allow the highest potential for screening from view” and LUP Policy 56 urges design and siting of structures in scenic areas should not detract from scenic values and should be subordinate to, and blended into, the environment. The Full Height Project is inconsistent with these viewshed policies because of its large size, bulk, massing, and prominence in the public viewshed. Two alternatives with a reduced visual impact are presented in the EIR, Reduced Project and Reduced Height Project (RH Project). The RH Project is preferable for the area because it blends with the natural landscape and is smaller, while retaining the aesthetic qualities of the original Legorreta design. The Reduced Project is not preferable because it would reduce the design by width, height, and layout so much that it

would impair the applicant's architectural vision. The RH Project includes modifications to minimize visual impacts. The Proposed Project is in an area where there are several large custom-built homes visible among the sand dunes off 17 Mile Drive. The Board of Supervisors directs staff to use discretion in the review of the construction permits for the Legorreta construction under the RH Project and allow a minor deviation from the approved height. The proposed dwelling will not change the character of the neighborhood in this setting, and, as mitigated, will not significantly impact the viewshed. Proposed colors, materials consist of reddish beige stucco, beige stone cladding, gray slate roofing on sloped roof with brown wood on the underside of eaves and gray gravel roofing on the flat roof surfaces, and reddish black metal door and window frames. To address viewshed policies, vegetative screening and an exterior lighting plan conditions have been applied to the project (Condition Nos. 9 and 16).

m) Yard Regulations. The project is consistent with the development standards for the zoning district. The building coverage totals 8,058 square feet. Development Standards for the LDR Zoning District allow maximum building site coverage of 15 percent. The RH Project will result in building site coverage of 8.5 percent. The maximum floor area ratio of the LDR/1.5 zoning district in the Del Monte Forest area is 17.5 percent, or 16,504 square feet. The project floor area ratio is 12.6 percent, or 11,933 square feet. Setbacks of 30 feet front, 20 feet side and rear are met. Maximum allowable height is 30 feet, and the RH Project maximum height is 25 feet from average natural grade. The subject site is outside of the Pescadero Watershed areas and impervious coverage is not limited. Proposed impervious coverage includes the building footprint, entry court and uncovered terraces, and a new driveway and totals 10,008 square feet.

n) Alternatives Considered. An EIR was prepared for the Full Height Project. A range of reasonable alternatives to the Full Height Project were considered in the EIR. Some of the alternatives were dismissed from further consideration in the EIR (Alternatives 2, 3, 5, 7, and 8). Alternatives 2 and 3 were dismissed because they would conflict with LUP and CIP policies. The remaining alternatives (Alternatives 1, 4, 6, 9, and 10) were discussed further in the EIR. The County has considered these alternatives in the context of the applicants' objectives, their consistency with applicable text, policies, and regulations (LUP and CIP), and specific economic, legal, social, and technological considerations. More detail on the County's considerations of project alternatives is provided in Finding 8. Ultimately, the County finds that Alternative 9 (RH Project) meets most of the applicants' objectives, minimizes aesthetic impacts, and best aligns with the social, legal, and other considerations for this project. This alternative represents

the alternative that, on the balance, best aligns with relevant considerations while preserving, protecting, and restoring coastal resources. Restoration of ESHA will be performed on the property. Moreover, areas of restored habitat will be placed in a conservation easement protecting the habitat long-. Additionally, impacts to visual resources will be reduced through implementation of the reduced height alternative, and most project objectives will be met.

- o) Site Visit. The project planner conducted site inspections on November 27, 2013, June 30, 2015, and September 11, 2022, to verify that the project on the subject parcel conforms to the plans listed above.
- p) Land Use Advisory Committee. Based on the Land Use Advisory Committee guidelines adopted by the Monterey County Board of Supervisors (Resolution No. 08-338), this application warranted referral to the LUAC because the project requires environmental review and because it includes a Design Approval that requires a public hearing. The Full Height Project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on four occasions. At the LUAC meeting on December 2, 2010, the matter was tabled for a future meeting. The project was scheduled again for review at the July 21, 2011, meeting but was continued in response to a request by the owner. On August 4, 2011, the LUAC heard comments made by neighbors and others, and the committee voted again to continue the item due to the applicant or project representative not being present. A representative of the applicant presented the project at the November 17, 2011, LUAC meeting, and many public comments were received. The LUAC vote split, 3 in favor and 3 against the project.
- q) The project was set for public hearing before the Monterey County Planning Commission on December 7, 2022. Notices of the public hearing were published in the Monterey County Weekly on November 24, 2022, posted near the project site on November 25, 2022, and mailed to property owners in the vicinity on November 22, 2022.
- r) On December 7, 2022, the Monterey County Planning Commission held a duly noticed public hearing in which it decided to continue the item to a later date.
- s) On January 25, 2023, the Monterey County Planning Commission held a duly noticed public hearing and approved the Combined Development Permit by a vote of 6-2 (2 absent) (Monterey County Planning Commission Resolution No. 23-005).
- t) Pursuant to MCC sections 20.86.040 and 050, on February 8, 2023, Sam Reeves (“Appellant” and/or “Reeves”), represented by Lombardo and Associates, timely appealed the January 25, 2023, decision of the Planning Commission. The appeal challenges the Planning Commission’s approval, contending

- that the hearing was not fair and impartial, the findings are not supported by the evidence and the decision was contrary to law. See Finding No. 17 (Appeal) for a summary of this appeal’s specific contentions and the County’s responses.
- u) Pursuant to MCC sections 20.86.040 and 050, on February 8, 2023, Raymond Neutra (“Appellant” and/or “Neutra”), timely appealed the January 25, 2023 decision of the Planning Commission. The appeal challenges the Planning Commission’s approval, contending that the hearing was not fair and impartial, the findings are not supported by the evidence and the decision was contrary to law. See Finding No. 17 (Appeal) for a summary of this appellant’s specific contentions and the County’s responses.
 - v) Pursuant to MCC section 20.86.040 and 050, on February 9, 2023, the Alliance of Monterey Area Preservationists (“Appellant” and/or “AMAP”), timely appealed the January 25, 2023 decision of the Planning Commission. The appeal challenges the Planning Commission’s approval, contending that the hearing was not fair and impartial, the findings are not supported by the evidence and the decision was contrary to law. See Finding No. 17 (Appeal) for a summary of this appellant’s specific contentions and the County’s responses.
 - w) The appeal was timely brought to hearing. Although Monterey County Code section 20.86.070 requires that the appeal authority hold a public hearing on an appeal within 60 days of receipt of the appeal, the 60-day period can be extended if both appellant and the applicant agree to a later hearing date, as occurred here. The appellants and the applicant agreed to a public hearing date of May 9, 2023.
 - x) A complete copy of the appeals is on file with the Clerk of the Board of Supervisors. The appeals are also attached with itemized contention responses as Attachment B-2 to the staff report for the May 9, 2023 Board of Supervisors hearing.
 - y) The Board of Supervisors conducted a duly noticed public hearing on the appeal and the project on May 9, 2023. The hearing is *de novo*. Notice of the hearing on the matter before the Board of Supervisors was published in the *Monterey County Weekly*, notices were mailed and emailed to all property owners and occupants within 300 feet of the project site, and to all persons who requested notice; and three notices were posted at and near the project site.
 - z) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN100338.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The Project has been reviewed for site suitability by the following departments and agencies: HCD-Planning; Cypress Fire Protection Districts; HCD-Engineering Services, HCD-Environmental Services; Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by these departments and agencies have been incorporated.
 - b) The EIR identified potential impacts to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Historical Resources, Hydrology and Water Quality, and Noise, which could result from the Project. All impacts other than those associated with the demolition of the Historical Resource can be mitigated to a less-than-significant level. Historical Resource impacts can be mitigated but not to a less than significant level.
 - c) The technical reports by outside consultants listed in the FEIR's References concluded that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.
 - d) The site is designated for residential use. A residential structure has existed on the site since the 1950's. As proposed, residential use of the property would continue.
 - e) Staff conducted site inspections on November 27, 2013, June 30, 2015, and September 11, 2022, to verify that the site is suitable for the proposed use.
 - f) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD-Planning for the proposed development found in Project File PLN100338.

3. FINDING: **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use nor will it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) All necessary public facilities are available for the project. Water and sewer service will be provided by California American Water and the Carmel Area Wastewater District through the Pebble Beach Community Services District. The Environmental Health Bureau reviewed the project application and did not require any conditions pertaining to water, sewer, or solid waste. A water permit from the Monterey Peninsula

Water Management District is required prior to the issuance of a building permit.

- b) The project includes replacement of one residential structure for another within an area designed for residential use. Emergency services are available, building permits will be required to ensure the building is designed and built in accordance with California Building Standards, geotechnical engineers have provided recommendations for the development that will be incorporated, and there are no known hazards that may impact health and safety of residence in the area.
- c) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development found in Project File PLN100338.

4. FINDING:

VIOLATIONS – The subject property is in not compliance with all rules and regulations pertaining to the condition of the existing historic structure. Violations exist. The approval of this permit will correct these violations.

- a) Violations exist. Staff conducted site inspections in late January of 2010, November 27, 2013, as well as June 30, 2015, and September 11, 2022, and researched County records to assess if any violation exists on the subject property. The existing dwelling is in a state of disrepair, has been the subject of vandalism, and the structure is in a substandard condition, which resulted in a violation (File No. 13CE00338). This permit will allow the demolition of the existing structure and, once complete, will clear the violation.

In addition to the substandard conditions of the structure, the applicant removed two trees prior to permitting. An after-the-fact permit (PLN100418) to clear a code violation for tree removal (CE090788) was obtained (Reso. No. 13-021). That permit consisted of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1, for the removal of two landmark Monterey Cypress trees, significant pruning of three Monterey Cypress trees and sand dune degradation in an environmentally sensitive habitat area. All restoration was effectively performed including replanting of Cypress trees onsite. During monitoring of the replacement trees, one of two Monterey Cypress trees required to be replanted and monitored for five years died. The remedy for replanting can be met by carrying over the replanting requirement to this permit (PLN100338). This will include planting of a cypress tree in approximately the same location, as part of the Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan (BIO/mm-1.1). Condition No. 16 reflects the

update that seven trees shall be planted, and survival ensured onsite. See also Finding 16.

- b) Applicant and the County entered a Stipulated Agreement to resolve Applicant’s violation for the substandard structure. The Stipulated Agreement required Applicant to take specific actions, including stucco repair to prevent moisture penetration, removal of mildew or mold laden soft materials, security measures including a chain link fence and plywood installation on windows and doors, sheathing to prevent moisture intrusion from broken windows or doors, roof repairs for waterproofing, pest control measures, installation of cross ventilation, and monthly reports on the condition of the weatherization. This is known as the “Mothball Protection Plan.” Monterey County Code Enforcement continues to conduct periodic checks for compliance with the required maintenance.
- c) Requirements for the structure and the maintenance thereof will continue until a building permit is issued for demolition of the existing dwelling.
- d) The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100338 and the corrective actions are required by Code Enforcement File No. 13CE0338 and Planning File No. PLN100418.

5. FINDING:

CEQA (EIR) – The Final Environmental Impact Report (EIR) for the Signal Hill LLC Project, including the fully analyzed Full Height Project and the project alternatives, has been completed in compliance with the California Environmental Quality Act (CEQA). It was presented to the County of Monterey Board of Supervisors, which reviewed and considered the information contained in the EIR prior to recommending certification of the Final EIR and approval of the RH Project. The Board of Supervisors finds the EIR reflects the County of Monterey’s independent judgment and analysis.

EVIDENCE:

- a) CEQA requires preparation of an EIR if there is substantial evidence considering the whole record that the project may have a significant effect on the environment. The County prepared the EIR because the project would demolish a historic resource.
- b) The application submittal was deemed complete on August 13, 2013. Between 2013 and 2014, studies were prepared for project environmental assessment. However, the timeline for the EIR was suspended per request of the property owner in February 2014. It was eventually resumed, but the process was slowed by many factors, including a neighbor’s challenges to the validity of the Historic Resource evaluation report which

the applicant caused to be prepared and the inability to set the exact project description while the status of the existing house as an historic resource was disputed. In August 2017, the applicant submitted revised for an alternative design that lowered the height of the house and modified the third floor. As reported by the project planner at the time to the HRRB at its December 7, 2017, meeting, waiting for the plans caused a delay on the EIR to be completed. Other causes for the delay from Draft to Final EIR included the volume of comments on the EIR, County staff turnover, COVID-19, and depletion of funds to complete the Final EIR.

- c) The Draft EIR was circulated for public review from August 24 through October 12, 2018, and a public scoping meeting for the Notice of Preparation was held on February 23, 2015, at the Pebble Beach Community Services District Office at 3101 Forest Lake Road, Pebble Beach (SCH#: 2015021054).
- d) Issues that were analyzed in the EIR include Aesthetics, Agricultural Resources, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Historical Resources, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Paleontological Resources, Population and Housing, Public Services, Utilities, Recreation, and Transportation and Traffic. The EIR identified potential impacts that are either less than significant or can be mitigated to a less than significant level associated with all topics, except impacts to Historical Resources. As described in these findings and in the EIR, mitigation measures that avoid or substantially lessen the impacts to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise have been incorporated (see Finding No. 6). For the impact identified as significant and unavoidable (Historic Resources), all feasible mitigation measures have nevertheless been incorporated.
- e) Public review of the Draft EIR generated comments from the public and public agencies. The County responded to these comments and made clarifications and corrections to text of the Draft EIR. None of the revisions required recirculation of the EIR. (See Finding 10.) Responses to comments and revisions to the Draft EIR constitute the Final EIR. The Final EIR was made available to the public on November 21, 2022.
- f) Tribal consultation under Assembly Bill 52 (AB 52) was not required because the Notice of Preparation (NOP) for this project was issued on February 17, 2015. The requirement for tribal consultation pursuant to AB 52 is for projects that had an NOP issued on or after July 1, 2015.
- g) All project changes required to avoid significant effects on the environment have been incorporated into the RH Project

and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations; it is designed to ensure compliance during Project implementation. The applicant must enter an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of Project approval.

- h) Pursuant to CEQA Guidelines section 15088(b), upon finalizing the Final EIR and at least 10 days prior to the Board of Supervisors’ consideration of the Final EIR, the County notified those public agencies that submitted comments on the Draft EIR that a Final EIR was available for review and provides the proposed responses to the public agency comments. Staff did so by email on November 16, 2022, and by mail to those without email contact addresses on the same day.
- i) Evidence the Board of Supervisors has received and considered includes: the application, technical studies/reports, staff report that reflects the County’s independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in HCD-Planning (File No. PLN100338) and are hereby incorporated by reference.
- j) County of Monterey HCD-Planning, located at 1441 Schilling Place South, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Final EIR will be based.
- k) The site supports potential habitat for rare or endangered species. For purposes of the Fish and Game Code, the project would have the potential to cause a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the EIR to comment and review the proposed mitigations to protect biological resources in this area which reduce the potential impacts to less than significant. Therefore, the applicant will be required to pay the State fee plus a fee payable to the County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

6. FINDING:

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES IDENTIFIED IN THE EIR AND ADOPTED FOR THE PROJECT – The Project will result in significant and potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the EIR into the conditions of Project approval.

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the draft FEIR. This Resolution incorporates all the mitigation measures that were identified in the Signal Hill LLC Final EIR and makes them conditions of approval of the Project. Except for Historical Resource impacts, all potentially significant environmental impacts will be mitigated through the measures proposed in the Final EIR.

EVIDENCE: a)

The EIR identified potentially significant impacts that require mitigation to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise, which could result from all components of the proposed Full Height Project of the EIR. These impacts will be mitigated to a less than significant level by the incorporation of mitigation measures from the EIR into the conditions of project approval and approval of Alternative 9 (Reduced Height Project Alternative, or RH Project). In its decision, the Board of Supervisors considered the project subject to conditions of approval that incorporate the proposed mitigation.

b)

Aesthetics. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have adverse aesthetic effects. These impacts would be reduced by incorporating mitigation measures. Impacts identified for this Project in Chapter 5 of the EIR include:

AES Impact 1: The proposed residential structure would be seen extending above the ridgeline from locations on 17-Mile Drive and Fanshell Beach, which would be inconsistent with County of Monterey visual resources policy and result in a potentially significant impact to the scenic vista.

AES Impact 2: The RH Project would stand out from the dune more than the existing residence, resulting in a potentially significant impact to the site and surroundings and visual character as seen from 17-Mile Drive and Fanshell Beach.

AES Impact 3: Visibility of light sources and glow from the proposed residence, and glare from window glass would potentially create a new source of light and glare, degrade nighttime dark skies, and adversely affect visual quality resulting in a significant impact to the surroundings.

Mitigations to reduce these impacts to a less-than-significant level are incorporated:

AES/mm-3.1 exterior lighting plan and BIO/mm-3.1, BIO/mm-3.2, and BIO/mm-3.3 with their respective vegetative screening and restoration activities (described below).

See Chapter 4-1, Aesthetic Resources, of the Final EIR for the analysis of aesthetics in relation to the Full Height Project and the RH Project. See the Mitigation Monitoring and Reporting

Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

- c) Archaeological Resources. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on archaeological resources. These impacts would be the same for the Full Height Project and the RH Project. Impacts identified include:
- AR Impact 1: Ground disturbance (e.g., grading, excavation, vegetation removal, dune rehabilitation activities) associated with the project could result in the disturbance and destruction of unknown archeological resources, resulting in a significant impact.
- AR Impact 2: Ground disturbance (e.g., grading, excavation) associated with the project could result in the disturbance of unknown human remains, resulting in a significant impact.
- AR Impact 3: Impacts to archaeological resources caused by inadvertent damage or destruction of unknown resources would be cumulatively considerable when considered in conjunction with other potential disturbances in the project area, resulting in a significant cumulative impact.
- Mitigations to reduce these impacts to a less-than-significant less-than-significant level are:
- AR/mm-1.1 - contractors/employees to receive training from a qualified archaeologist;
- AR/mm-1.2 - Archaeological Monitoring Plan;
- AR/mm-1.3 - archaeological monitor; and
- AR/mm-2.1 –notifications pursuant to Health and Safety Code Section 7050.5, discovery of human remains.
- See Chapter 4-4, Archaeological Resources, of the Final EIR for the analysis of archaeological resources in relation to the Full Height Project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.
- d) Air Quality and Greenhouse Gases. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on air quality and greenhouse gases.
- AQ/GHG Impact 1: Implementation of the proposed project could result in the generation of emissions as a result of construction activities in an area in non-attainment for ozone (8-hour standard) and PM10, resulting in a potentially significant impact.
- Mitigations to reduce these impacts to a less-than-significant level are:
- AQ/GHG/mm-1.1 - Best Management Practices for reducing fugitive dust; and
- AQ/GHG/mm-1.2 - Best Management Practices for reducing nitrogen oxides (NOx), reactive organic gases (ROG) and diesel particulate matter (DPM) emissions from construction equipment.

See Chapter 4-7, Less than Significant Issue Areas, of the Final EIR for the analysis of air quality and greenhouse gases in relation to the Full Height Project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

e)

Biological Resources. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on biological resources.

BIO Impact 1: Implementation of the Project would require the removal of two [sic] Monterey Cypress trees and grading in the vicinity of nine additional Monterey Cypress trees, resulting in a potentially significant impact.

BIO Impact 2: The Project has potential to impact California legless lizards and coast horned lizards that are California Species of Special Concern. The proposed project has potential to impact nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code. These impacts are potentially significant.

BIO Impact 3: The Project would result in the permanent loss of 0.39 acre and the temporary disturbance of 1.67 acres of Environmentally Sensitive Habitat Area, resulting in a potentially significant impact.

BIO Impact 4: Implementation of the Project has the potential to impact a 0.13-acre coastal wetland, resulting in a potentially significant impact.

Mitigations to reduce those impacts to a less-than-significant less-than-significant level are:

BIO/mm-1.1 - Monterey Cypress Tree Protection, Replacement, Maintenance, and Monitoring Plan;

BIO/mm-2.1 - environmental monitor;

BIO/mm-2.2 - environmental awareness training for all construction and habitat restoration personnel;

BIO/mm-2.3 - surveys for California legless lizards and other reptiles;

BIO/mm-2.4 - Best management practices designed to minimize impacts to legless lizards;

BIO/mm-2.5 - avoid the nesting season to the extent feasible;

BIO/mm-2.6 - 100-foot buffer around the nest site;

BIO/mm-3.1 - open space conservation and scenic easement to be granted to the Del Monte Forest Foundation;

BIO/mm-3.2 - Bond sufficient to cover the estimated cost of planting and establishing the proposed 1.67-acre habitat restoration area;

BIO/mm-3.3 - Monitoring the success of the habitat restoration area;

BIO/mm-3.4 - fencing that excludes adjacent ESHA from disturbance;

BIO/mm-3.5 - stockpile and construction staging areas;

BIO/mm-3.6 - do not include any rain gutter outfall or other stormwater or wastewater outfall that directs concentrated flows capable of eroding the sand dune substrates in the adjacent ESHA;

BIO/mm-3.7 - landscape plans;

BIO/mm-3.8 - imported soils for amendment in the landscape areas is prohibited;

BIO/mm-3.9 - offsite dune habitat restoration plan that provides for restoration of dune habitat within the Asilomar Dunes;

BIO/mm-4.1 - buffer zone for *Juncus articus* (var. *balticus*, *mexicanus*) Herbaceous Alliance vegetation; and

BIO/mm-4.2 - flag the perimeter of the coastal wetland.

Application of herbicides shall be prohibited within 25 feet of the coastal wetland. No removal of Mexican rush shall be permitted, and any vegetation removal efforts within 25 feet of the coastal wetland shall be implemented by hand.

See Chapter 4-2, Biological Resources, of the Final EIR for the complete analysis. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.

- f) Geology, Seismicity, and Soils. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on geology, seismicity, and soils.
- GEO Impact 1: Implementation of the Project could expose people or structures to substantial adverse effects involving seismic hazards, resulting in a potentially significant impact.
- GEO Impact 2: Construction activities and the increase in impervious surfaces as a result of the Project could result in increased erosion, loss of topsoil, and the transportation of sediment and/or construction debris off-site during rain events, resulting in a potentially significant impact.
- GEO Impact 3: Implementation of the Project could result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to development being sited on potentially unstable soils.
- GEO Impact 4: The Project would be in an area with low to moderately expansive soils, and hence, construction could cause damage to structures and safety hazards as a result of soil instability, resulting in a potentially significant impact. Mitigations to reduce these impacts to a less-than-significant less-than-significant level include:
- GEO/mm-1.1 - meet or exceed California Building Standards Code. Recommendations provided by Cleary Consultants, Inc. (2010) in the geotechnical study. Additionally, implementation of HYD/mm-1.1, HYD/mm-2.1, and their respective reporting and monitoring actions will control runoff and erosion and ensure best management of post-development stormwater

runoff. See Chapter 4-5, Geology and Soils, of the Final EIR for the complete analysis.

- g) Hazards and Hazardous Materials. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on hazards and hazardous materials. HAZ Impact 1: Implementation of the Full Height Project has the potential to result in the inadvertent upset or release of hazardous materials used to fuel and maintain construction equipment and vehicles during construction, resulting in a potentially significant impact. Mitigations to reduce those impacts to a less-than-significant level are:
HAZ/mm-1.1 - Hazardous Material Spill Prevention, Control, and Countermeasure Plan;
HAZ/mm-1.2 - Cleaning and refueling of equipment and vehicles; and
HAZ/mm-1.3 - monitoring reports.
See Chapter 4-7, Less than Significant Issue Areas, of the Final EIR for the analysis of air quality and greenhouse gases in relation to the Full Height Project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective reporting and monitoring actions.
- h) Hydrology and Water Quality. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on hydrology and water quality. HYD Impact 1: During construction, the Project would require grading on slopes in excess of 30%, which may result in increased runoff, erosion, and sedimentation associated with soil disturbance, potentially violating water quality standards during construction, resulting in a potentially significant impact. HYD Impact 2: After construction, the Project would increase impervious surfaces at the project site, potentially increasing the stormwater runoff volume and rate compared to existing conditions, which could cause erosion, increased peak flows, and other impacts to the existing drainage pattern, resulting in a potentially significant impact. HYD Impact 3: The Project would alter the existing drainage pattern both during and following construction, which could contribute to increased erosion and sedimentation on- and off-site, resulting in a potentially significant impact. HYD Impact 4: The Project would increase impervious surfaces at the site, which would increase stormwater runoff volume and rate compared to existing conditions potentially causing erosion, increased peak flows, and other impacts to the existing drainage pattern, resulting in a potentially significant impact. Mitigations to reduce those impacts to a less-than-significant level are:

HYD/mm-1.1 - Erosion control plan; and

HYD/mm-2.1 - Drainage plan.

See Chapter 4-6, Hydrology and Water Quality, of the Final EIR for its analysis of air quality and greenhouse gases in relation to the Full Height Project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective, required reporting and monitoring actions.

- i) Noise. The RH Project (Reduced Height Project, Alternative 9 in the EIR) would potentially have an adverse effect on noise levels in the area during construction.

NOI Impact 1: Implementation of the Project would require use of construction equipment and vehicles that could exceed noise thresholds for sensitive receptors during construction, resulting in a significant effect.

NOI Impact 2: Implementation of the Project could generate a substantial temporary increase in ambient noise levels during construction of the project, resulting in a significant effect. Mitigation to reduce those impacts to a less-than-significant level is:

NOI/mm-1.1 - Noise attenuation measures including hours, notice, and devices.

See Chapter 4-7 for the complete analysis in relation to the Full Height Project. See the Mitigation Monitoring and Reporting Plan, attached herein, for full text of these mitigations and their respective required reporting and monitoring actions.

- j) With implementation of the above mitigation measures, residual impacts associated with Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise exposure would be less than significant.

7. FINDING:

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS – (POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE NOT REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES) –

Like the Full Height Project analyzed in the EIR, the RH Project will result in a significant and unavoidable impact to Historical Resources even with the incorporation of mitigation measures. Specific economic, legal, social, technological, and other considerations make alternatives infeasible.

EVIDENCE: a)

The EIR identified a potentially significant impact to Historic Resources from the RH Project. Mitigation Measures have been identified that reduce some of these impacts, but not to a level of insignificance; therefore, these impacts are significant and unavoidable.

- b) The EIR identified the environmentally superior alternative to the Project as Preservation of the existing structure (Alternative 1). The LUP guiding policy on cultural resources (pg. 5 of the LUP) provides that new land uses and development are compatible with Preservation only when they incorporate site planning and design features necessary to avoid impacts to cultural resources. Additionally, where impacts are unavoidable, they shall be minimized and reasonably mitigated. Applicant proposes demolition of the existing house, which the EIR concluded would be a significant impact to an historical resource. Preservation of the Connell House has been considered, but was found to be infeasible, pursuant to CEQA Guideline section 15091(a)(3). Reasonable mitigation is proposed that would require documentation of the existing structure, but this mitigation would not reduce the project's historical resource impacts to a less-than-significant level.
- c) Mitigation Measures have been identified to provide mitigation, to the extent feasible.
HR Impact 1: The project would demolish the Connell House, a significant historical resource, resulting in a significant impact.
HR Impact 2 (Cumulative): Impacts to historical resources caused by demolition of the Connell House would be cumulatively considerable when considered in conjunction with other recent losses of Neutra commissions throughout the United States, resulting in a significant cumulative impact. Impact HR-1 and HR-2 identify the same mitigation measures to reduce the impact to the extent feasible. They are:
 HR/mm-1.1 - Recordation of the Connell House per the most recent guidelines of the Historic American Buildings Survey (HABS); and HR/mm-1.2. - Web page documenting the Connell House.
- d) See Final EIR Master Response MR-2 relating to the impacts and mitigation measures associated with the removal of the historic structure. The Final EIR explains the adequacy and feasibility of the proposed mitigation measures in meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- e) Testimony was received prior to and in the public hearing of January 25, 2023, in favor of the Preservation Alternative and in favor of the Full Height Project, as well as the reduced height alternative.

8. FINDING:

ALTERNATIVES TO THE EIR PROPOSED PROJECT –

The EIR evaluated a reasonable range of feasible alternatives to the Full Height Project in compliance with CEQA Guidelines section 15126.6. Except for Alternative 9, the

Proposed Project, specific economic, legal, social, technological, and/or other considerations render the Project alternatives identified in the EIR infeasible.

EVIDENCE: a)

Under CEQA Guidelines section 15126.6(f)(2), an alternative project location need only be analyzed if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. An alternative location was considered, but a study of the existing structure's condition found movement of it infeasible. Furthermore, based upon limitations related to the Project's impacts to dune habitat, archaeological resources, aesthetic impacts, and the low availability of developable parcels of similar size that could reasonably accommodate a similarly sized development, a specific alternative location for the Project was not analyzed.

b) The Project Objectives are as follows.

The applicant established the following project objectives:

- Remove the existing residence and construct a new single-family residence on the project site of a size compatible with the surrounding community and which allows for enjoyment of the natural beauty of the surrounding area.
- Construct a new, high-quality residence that is exemplary of the architectural design skill of recognized Mexican architect Ricardo Legorreta.
- Restore areas of the project site outside of the construction area to their natural condition and allow local native animal, insect, and plant life to again flourish.
- Better the Pebble Beach community through the overall improvement of the property.

The County established the following project objectives:

- To comply with CEQA by (1) informing governmental decision makers and the public about the potentially significant environmental impacts of the project; (2) identifying the ways that environmental damage can be avoided or significantly reduced; (3) preventing significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and (4) disclosing to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved (State CEQA Guidelines §15002).
- Ensure a planned and balanced approach to development that protects the natural, cultural, historic, and visual resources of the Del Monte Forest.
- Ensure that the project meets the goals of the County's General Plan and Local Coastal Program (LCP) and is consistent with applicable policies of the Del Monte Forest Area LUP, effective June 22, 2012.

- c) Pursuant to CEQA Guidelines section 15126.6(c), the range of alternatives shall include alternatives that avoid or reduce identified impacts and can feasibly accomplish most of the basic project objectives.
- d) In addition to the Full Height Project, nine alternatives were considered. A subset of five of them were then assessed in the Alternatives Chapter of the EIR; they are: 1) Preservation, 2) Project Integration, 3) Reduced Project, 4) Reduced Height, and 5) No Project Alternative. These five alternatives are discussed below. Because Reduced Height is the Project that is the subject of this entitlement, the Full Height Project (the project described and analyzed in the EIR) is also discussed herein.

Full Height Project. The Full Height Project (the project described and analyzed in the EIR) would include the same project description as the Project except that the height of the proposed dwelling would be five feet taller. The Full Height Project would result in significant and unavoidable impacts to historic resources. It would have significant but mitigable impacts to Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. These impacts are similar to the Project (Reduced Height Alternative). The full height design was found to silhouette approximately 10 feet above the ridgeline, as seen from an approximately 300-foot section of 17-Mile Drive and from the eastern end of Fanshell Beach (refer to Figures 4.1-16 and 4.1-18 of the EIR). This visual (aesthetic) impact is inconsistent with visual resource policies of the Del Monte Forest Land Use Plan (Policies 47, 48, and 52). Reducing the height would decrease the project's aesthetic impacts. The Full Height Project meets all the applicant's objectives. Demolition of the existing structure would cause a significant, unavoidable, impact to Historic Resources, because even the EIR's two recommended mitigation measures would not mitigate the Project's impact to a less-than-significant level.

No Project. The No Project Alternative (Alternative 5) would result in no improvements or changes to site at the time of the Notice of Preparation. The No Project alternative would, however, have increased impacts to Aesthetic Resources and Hazards due to the substandard conditions of the existing residence (structurally unsound, potential for mold and mildew, and general state of disrepair). All other impacts would be reduced. Significant and unavoidable impacts to Historical Resources would still occur under the No Project Alternative because of the decay and dereliction to the property. If not abated, the No Project Alternative would result

in an ongoing public nuisance and hazard. There would not be temporary or permanent impacts to coastal dune ESHA, but there also would not be restoration activity performed on the site's disturbed ESHA. The degraded structure would offer little historical or no aesthetic benefit to the community under the No Project Alternative. Finally, this Alternative is the least capable of meeting the applicant's project objectives. For all these reasons, this is not the preferred project alternative.

Preservation. The Preservation Alternative (Alternative 1 in the EIR) would retain the Connell House and preserve, repair, and replace portions of the structure for single-family occupancy in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Restoration could still occur on the parcel. Impacts related to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Historical Resources, Hydrology and Water Quality, and Noise, would be less than either the Project (Reduced Height Alternative) or the Full Height Project. Significant and unavoidable Historical Resources impacts would not occur under the Preservation Alternative. Additionally, there would not be additional permanent impact to coastal dune ESHA. The Preservation Alternative assumes the County could mandate the applicant to perform the 1.67-acre restoration actions on disturbed ESHA areas of the site while retaining the existing house, which would be difficult to enforce. With this restoration included, the EIR found the Preservation Alternative to be the environmentally superior alternative. This alternative is technically feasible (as discussed in Final EIR Chapter 9, Master Response MR-2) however, it would not meet the project objectives. Given the applicant's objectives, there are specific economic, legal, social, and technological considerations that make the Preservation alternative infeasible. 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. Should a project be approved that does not involve demolition of the existing structure, it is likely that the near-term impacts would be similar to the "No Project" alternative, which would include continuation of a hazardous structure in a state of disrepair and long-term impacts may include additional deterioration of the resources due to decay from age and elements. Additionally, while no exact numbers are available, the Preservation alternative would likely cost as much as demolition and new construction, but result in a smaller house that is undesirable to the property owner. This assumption of cost is based on a generally accepted concept that extensive remodels involving major structural, plumbing, electrical, and mechanical repairs,

and in particular historic renovation remodels, are nearly as expensive, and in some cases more expensive, than new construction. The County could elect to adopt the environmentally superior alternative but doing so would likely result in no change in current conditions in the near future. Long-term, the structure would likely continue to deteriorate from time and elements until the structure has lost all integrity and would no longer qualify as an historic resource. For these reasons, pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091(a)(3), the Preservation alternative has been dismissed.

The Project Integration Alternative (Alternative 4 in the EIR) involves a redesign of the project to add additional square footage to the existing residence in a manner that is compatible with some portion or all of the existing structure and integrates with it by designing an addition to the existing residence. This alternative is technically feasible but would not fit the narrowly defined applicant objectives for the project (see evidence b). This alternative objective would meet two project objectives in that it would allow a new dwelling of a size compatible with the surrounding community and it would allow for enjoyment of the natural beauty of the surrounding area. Impacts related to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise, would be similar to the Project. Project Integration would have a decreased impact on Historical Resources because some extent of the Connell House would be preserved.

This alternative has been dismissed for the same reasons as the Preservation Alternative. Integration would require extensive rebuilding and remodeling of the existing structure, which is not in keeping with the property owner's objectives for the property. Selection of the Integration alternative would likely lead to conditions similar to the no project alternative in the foreseeable future.

Reduced Project. The Reduced Project Alternative (Alternative 6 in the EIR) would reduce the overall development footprint to stay within the existing developed building footprint. The height of the proposed single-family residence structure would be roughly five feet shorter than the Full Height Project. Under this alternative, project visibility and impacts associated with ridgeline development would be avoided by eliminating an upper level and shrinking the widths of the floor areas and patios. By reducing bulk by two thirds, Biological Resources impacts would also decrease. The impacts to Archaeological Resources, Air Quality and Greenhouse Gases, Geology,

Seismicity, and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise would be similar and require some mitigation. Potentially significant impacts to Historical Resources would be similar under this alternative, resulting in significant and unavoidable impacts. This alternative is technically feasible, but it would not meet the objectives of the applicant except that it would allow for enjoyment of the natural beauty of the surrounding area. Consequently, this alternative has similar social, technical, legal, and economic considerations to the Preservation alternative. Additionally, this alternative would limit the size of a new dwelling in a manner inconsistent with limitations on similarly situated properties in the Pebble Beach area. Other residences and additions have been permitted on 17 Mile Drive larger than the Connell House. Therefore, this is not the preferred project alternative.

Reduced Height. The Reduced Height Project Alternative (Alternative 9) is the recommended project. This alternative is technically feasible and would meet all project objectives except it would involve minor changes to the Full Height Project architectural plans. Impacts to Aesthetics would be less than the Full Height Project and are explored in depth in the EIR. Other impacts are similar to the Full Height Project and require similar mitigation. Potentially significant impacts to Historical Resources occur under this alternative, resulting in significant and unavoidable impacts. This is the Project because it would accomplish nearly all the objectives and would mitigate Aesthetics impacts.

Mitigation Measure AES/mm-1.1, which requires the height be reduced by ten feet, would not be incorporated. The mitigation measure institutes, and makes enforceable, a reduction in height from the Full Height Project resulting in a project that is consistent with the description of the Reduced Height Alternative (Alternative 9) of the EIR. Without Mitigation Measure AES/mm-1.1, the impact of the height on the potential ridgeline development would not be fully mitigated to a less-than-significant level.

9. FINDING:

STATEMENT OF OVERRIDING CONSIDERATIONS -

The Board of Supervisors has weighed the project's economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits against its unavoidable significant environmental impacts. The Board of Supervisors finds that the benefits of the project outweigh its unavoidable, adverse environmental impact. Each benefit set forth below constitutes an overriding consideration warranting approval of the project despite the identified unavoidable impact. Additionally, each benefit, standing on its own, is

sufficient to support this Statement of Overriding Considerations.

EVIDENCE:

The RH Project will have a significant unavoidable impact on historic resources from the demolition of the Connell House. However, the RH Project will result in development that will provide benefits to both the surrounding community and the County as a whole. The Board finds that that the benefits of the project to the public outweigh the unavoidable adverse environmental effects. The Project would provide the following benefits to the public:

- i. The Project would result in a custom-built estate home within a setting known to support this type of development and consistent application of development policies related to the residential zoning of the site.
- ii. The Project will permanently preserve approximately 1.67 acres of sand dune habitat and open space on the project site. If a project that required demolition of the Neutra-designed house is not approved, because the applicant has repeatedly expressed to staff that she does not wish to live in the Neutra-designed house, it would be very unlikely that the permit would be implemented. The best case outcome of not granting the demolition permit is that the applicant would invest significant time and money to preserve the house and initiate the restoration and preservation of the 1.67 acres of sand dune habitat, then resell the property. Another outcome could be that applicant sells the property without restoring and preserving the sand dune habitat or improving the structure. It is difficult to predict a buyer for the property with Preservation as the active permit would step forward. The worst-case outcome would be that the applicant is granted the entitlement only for the Preservation Alternative and would not comply with its permitting requirements. In that case, the property would continue to present a risk to public health and safety. The sand dune would continue to be overtaken by iceplant and other invasive plants and the outcome would be similar to the No Project Alternative, which the EIR concluded were worse than Preservation.
- iii. The Project will include offsite restoration of coastal dune, either through direct implementation or through a required in lieu fee. Offsite restoration is anticipated to take place through application of the in-lieu fee collected to the Asilomar Dune Complex, thereby improving the long-term viability of the ecosystem beyond this parcel. As outlined in Finding 8, evidence d, the applicant would be unlikely to participate in the restoration of coastal dune offsite if they are granted an entitlement that does not include demolition and new construction.

- iv. The Project will create economic benefits to the County and the economy through the creation of jobs for construction (temporary), and the creation of property tax revenue through higher property valuation due to a foreseeable reassessment after a building permit is issued and increase of the property and structure values that are the bases for calculated property taxes.
- v. The Project includes demolition of a dilapidated structure. By granting the demolition permit, hazardous and unsafe conditions of the existing structure will be corrected. Failing to demolish the existing, dilapidated home would undermine the policies of Title 18 (section 18.01.090 A-J) by continued unreasonable state which is detrimental to the public health, safety and welfare. Reconstruction of the Neutra-designed house would remedy the violations of these Title 18 sections, as well. The applicant has repeatedly expressed to staff that she does not wish to live in the Neutra-designed house. Although technically feasible, preservation of the Connell House would require at least some degree of tear down and reconstruction due to the unstable structural conditions of the existing building. The best case outcome of not granting the demolition permit is that the applicant would invest significant time and money to preserve the house and clear the violation, then resell the property. Another outcome could be that applicant sells the property without improving the structure because the Preservation Project entitlement would clear the violation. It is difficult to predict a buyer for the property with Preservation as the active permit would step forward. The worst-case outcome would be that the applicant is granted the entitlement only for the Preservation Alternative and would not comply with its requirements. In that case, the property would continue to present a risk to public health and safety. The Aesthetics and Historic Resources impacts would be similar to the No Project Alternative, which the EIR concluded were worse than Preservation.

10. FINDING:

MITIGATION MONITORING PROGRAM – Pursuant to Public Resources Code section 21081.6, the County is adopting a mitigation monitoring and reporting plan (MMRP) that incorporates, and makes enforceable changes to the Project that will mitigate for or avoid significant effects to the environment.

EVIDENCE: a)

Adoption of the MMRP is part of the Board of Supervisors’ action. The mitigation measures identified in the Final EIR, are incorporated as conditions of approval; those conditions are set forth as Exhibit 2 to this Resolution.

- b) The applicant of the Project will be required to enter an “Agreement to Implement a Mitigation Monitoring and Reporting Plan” as a condition of approval.
- c) Mitigation Measures are found in the Final EIR for the Signal Hill, LLC Project, October 2022.
- d) The application, plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN100338.

11. FINDING:

RECIRCULATION NOT REQUIRED – No new significant information has been added to the EIR since circulation of the Draft EIR that would require recirculation. Under CEQA Guidelines section 15088.5, the County would be required to recirculate an EIR if significant new information were added to the EIR after public notice is given of the availability of the EIR for public review but before certification. “Significant new information” requiring recirculation may include, for example, a disclosure showing:

- 1) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
- 2) A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- 3) A feasible project or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project’s proponents decline to adopt; or
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No such significant circumstances have occurred. And, as further explained below, no such changes have been made to the EIR, as further explained below.

EVIDENCE: a)

Staff has revised the Draft EIR in response to public comment. These changes and attendant responses to comments are both integrated into and more fully described in the Final EIR. In response to a comment letter from California Coastal Commission, staff incorporated additional mitigation measures for Biological Resources impacts to the coastal dune habitat. An offsite dune restoration (or in-lieu fee) in 1:1 ratio to the square feet of impervious surface added by the project further mitigates for impacts to ESHA.” Mitigation Measure BIO/mm-3.9, Offsite Dune Habitat Restoration or In Lieu Fee, was added to the Biological Resources mitigations and BIO/mm-3.9.1 was added as monitoring and reporting action for the

- mitigation. The full wording is listed as Condition 31 in the MMRP. The project proponent has agreed to this mitigation.
- b) A second responsive edit was made based upon the California Coastal Commission's comment letter. The Commission shared its concern with the EIR's proposed Full Height Project, writing that the height, mass, and bulk of the Full Height Project would have the potential to adversely affect the scenic quality and visual character of 17-Mile Drive on visual resources. Minor clarifications to the EIR have been incorporated and a Reduced Height Alternative has been selected to address visual impacts.
 - c) In response to the comment letter from MBARD, staff added the following requirement to BIO/mm-3.4: "No wood chipping shall be allowed onsite." This edit is found on page 4.2-71 of Chapter 4 and in the MMRP.
 - d) In response to the comment letter from MBARD, some changes have been made within the air quality section of Chapter 4.7 and in the MMRP. These changes clarify and amplify dust control measures, alternative fuels in construction equipment, and the need for compliance with MBARD rules and regulations.
 - e) In response to the comment letter from the Pacific Legal Foundation, staff added additional wording to the Alternatives Analysis Chapter of the Draft EIR regarding the difference between physical and economic considerations as it applies to CEQA and alternatives analysis. This was added to page 5-7 in section 5.4, Preliminary Alternatives.
 - f) In response to public comment letter P123, staff added clarifying statements as to what "Preservation" is understood to mean in the EIR, page 5-7 in section 5.4, Preliminary Alternatives.
 - g) In response to public and applicant questions in comment letters about the cost and the difficulty of the Preservation Alternative, staff edited section 5.6.1.4 Other Issue Areas, as shown with strike-through and underline, in the following: "Although reconstruction and/or rehabilitation of an existing structure can often be more difficult than constructing something from scratch, per the structural report prepared for the project, rReconstruction of the existing 4,125-square-foot residence would generally entail an effort comparable to original construction, and is therefore likely to require less construction ~~over a shorter period of time~~ effort in comparison to construction of the proposed 11,933-square-foot residence. Construction of this alternative would require fewer material/haul trips and less construction noise due to the reduced size of the project. This alternative would maintain the existing building footprint and would require less grading and ground disturbing activities than the proposed project, thereby also reducing construction-related air emissions and noise."

- h) In response to public comment letter 122, and to correct what were logically typos, a responsive edit to section 5.6.4.1. was made to clarify that a height reduction would not be warranted if the Reduced Height Alternative were approved. BIO/mm-1.1 and BIO/mma-1.1.1, tree replacement and protection, should be included in this list of mitigation measures rather than AES/mm-1.1 and AES/mma-1.1.1. This required a strike-out of AES and addition of BIO twice.
- i) In response to two public comment letters on the Draft EIR, letters P125 and P126, staff clarified statements regarding common public views in Table 4.1.1, a comprehensive review of the applicable local plans and policies relevant to aesthetics (visual resources).
- j) The applicant's comment letter on the Draft EIR, letter P125, also shared concerns with the portrayal of the previous code violations on the property in terms of their timing and handling. To more clearly convey the timing of a previously granted Restoration Permit prior to the EIR NOP, staff made responsive edits were made to Chapter 2 and Chapter 4, including clarification of tree removal violations (page 2-20 in Section 2.3.2 Dune Habitat Restoration). Changes in site conditions and to the historic residence located on that site have occurred since the NOP was published (page 4-3, Environmental Baseline), and clarifications on the "Mothball Protection Plan". (page 4.3-30, Baseline Conditions).
- k) Public comment letter P125 questioned the EIR's portrayal of the existing house's condition during the EIR consultant visit on April 20, 2015. To clarify this condition, staff responsive edits to Chapter 4.3, Historical Resources.
- l) Public comment letter P125 questioned the Draft EIR's description, in Chapter 4, the Historic Assessment done on the existing house, suggesting the applicant's December 2011 Historic Property Development report should have been extensively quoted in the EIR. Responsive edits were made on page 4.3-34.
- m) Public comment letter P125 requested the EIR Chapter 4, description of the Site-Specific Setting, include quotes from Arthur Connell about the climate issues and impacts of natural elements on the house. A description was added.
- n) Public comment letter P125 also shared concern with the EIR's portrayal of the existing structure's floor area. To resolve this concern, staff made the following responsive edit on page 2-7 and 4.1-45: "The proposed residence would be 11,933 square feet in size, almost three times larger than the existing 4,125-square-foot residence, which includes an addition over 3.5 times bigger than the existing 3,299 square foot residence."
- o) Public comment letter P125 requested a specific edit to Alternative 8 in Table 5-1 to specify the existing house degradation. The edit was made, "many of 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.”

- p) In response to public comment letter P24 and several others’ request that the structural engineer’s evaluation that is referenced in the Draft EIR be included in the EIR, the Simpson Gumpertz and Heger (2016) structural evaluation and alternative assessment was incorporated as Appendix F.
- q) Other minor modifications to the EIR include clarifications and corrections of non-substantive content. These edits are specified in a cover sheet to the Final EIR, page xix.

12. FINDING:

DEVELOPMENT WITHIN 100 FEET OF ESHA/ RESTORATION PLAN – The project minimizes impacts to Environmentally Sensitive Habitat Areas (ESHA) consistent with the Policies of the Del Monte Forest LUP and CIP.

EVIDENCE:

- a) The RH Project includes the removal of coastal dune habitat where the footprint of new construction and driveway extends beyond the footprint of the existing development. The project site consists of approximately 2.2 acres of land and the total area of existing impervious surfaces is approximately 0.16 acres, or 7.3 percent of the 2.2-acre site. This includes the existing house and approximately 2,825 square feet of asphalt driveway and concrete patios.

The total area of impervious surfaces in the Project is 10,008 square feet, including: the building structure (8,058 square feet), stone pavers installed in the entry court (986 square feet), stone pavers installed in the outdoor uncovered terraces (106 square feet), and concrete driveway (858 square feet). Total proposed coverage for the Project is 10.4 percent.

The Project has been sited over the location where the existing impervious area is located. It would convert an additional 2,970 square feet beyond the existing surfaces in areas that have disturbed or degraded sand dune habitat. Much of this area was impacted during grading from construction of the existing structure and from human occupation and landscaping associated with the existing structure. With mitigation incorporated, the added footprint would not impact the long-term maintenance of the sand dune habitat. Additionally, the Reduced Height Project is well under the allowed site coverage and floor area.

- b) The site is in a disturbed portion of coastal sand dune and is adjacent to undisturbed sand dune habitat that is known to support rare plant and animal species. As such, staff required preparation of a biological report to determine the actual presence of rare or endangered plant or animal species or conditions that might support these species. Biological reports were prepared for the site by Mike Zander with Zander and

Associates and Fred Ballerini. The reports describe the property as being sparsely vegetated open sands with a mix of coastal dune scrub, European beach grass, and iceplant. Special status plant species including those listed as 1A, 1B, or 2 on the California Native Plant Society (CNPS) known to occur in the dune habitat were noted. Surveys were conducted during the appropriate times of the year. Spring flowering plants found in the Signal Hill area confirmed the appropriate blooming season for the surveys, but none of these plants were found on the site.

Animal species, listed as rare, threatened, or endangered, or designated as “Species of Special Concern” by the U.S Fish and Wildlife Service or California Department of Fish and Wildlife, that are known to occur in the area and within dune habitat were also surveyed. The biologists did not positively identify any sensitive animal species on the site, but nevertheless, they assumed that legless lizards, horned lizards, and certain birds could be present.

- c) A Restoration Plan was prepared by Zander Associates (2018) and incorporated into the EIR. Although the project applicant volunteered to restore and preserve a large section of the property, measures were recommended by the Restoration Plan to ensure protection of sensitive species that might be present during construction and use of the Project and during restoration activities. The Project is subject to fifteen biological mitigation measures, including measures to best achieve restoration, habitat protection, and habitat management, all of which will minimize the Project’s potential impacts. The Restoration Plan will restore 1.67 acres of the 2.2-acre property and the owner will preserve and protect it under a Conservation and Scenic Easement deed.
- d) Restoration and conservation will cause 76 percent of the parcel to be restored to ecologically functional ESHA (native dune habitat). Therefore, in terms of area, the development of the parcel is subordinate to ESHA.

13. FINDING:

VIEWSHED/RIDGELINE DEVELOPMENT: The RH Project will not create a substantial adverse visual impact when viewed from a common public viewing area. Additionally, no alternative location exists on the subject site that would allow reasonable development without the potential for ridgeline development.

EVIDENCE: a)

The proposed house is located on a ridgeline off 17 Mile Drive. The existing house is one story and blends well with the site and the hills and trees in the background when viewed from 17 Mile Drive and viewpoints off 17 Mile Drive. Views from 17 Mile Drive and viewpoints along 17 Mil Drive are an important resource and are protected pursuant to the Del

Monte Forest LUP. The Project will be a maximum of 25 feet above average natural grade. The Project (Reduced Height Project, Alternative 9 in the EIR) is taller than the existing structure on the property and the EIR found it to present an exposed face appearing approximately three times larger than that of the existing structure (Alternatives Analysis, Chapter 5 of the Final EIR). The increase in height will increase the visibility of the structure when viewed from 17 Mile Drive and Fanshell Beach.

- b) Photographic simulations provided in the EIR Chapter 4-1, Aesthetic Resources, indicate that the Full Height Project would be located on a ridge and silhouetted against the sky when looking east and uphill from Fanshell beach. Ridgeline effect was documented for the Full Height Project which was fully analyzed in the EIR and would be five feet taller than the Project. Photographic simulations of the Project (Reduced Height Project, Alternative 9 in the EIR) from the same five key viewing areas included in the Visual Impact Assessment discussed in the Aesthetic Resources chapter are shown in Figures 5-11, 5-14, 5-17, 5-20 and 5-23 of Chapter 5, Alternatives Analysis. It is evident from these Figures that the Project will reduce ridgeline impact.
- c) Vegetative screening is proposed for the development which is anticipated to assist in reducing both the ridgeline effect and the visual impacts to viewshed. In the Final EIR, biological mitigation measures BIO/mm-1.1, BIO/mm-3.1, BIO/mm-3.2 and BIO/mm-3.3 and their monitoring actions were included in the measures which would reduce the visual impacts to a less-than-significant level for the Reduced Height Project. Tree planting around the development that will replace the three Monterey Cypress trees that are entitled with a Coastal Development Permit as part of this Project and will be verified by biological mitigation monitoring actions BIO/ma-1.1.4 and BIO/ma-1.1.5 will increase the vegetative backdrop above the roof of the Project when viewed from common public viewing areas.
- d) The Project (Reduced Height Project, Alternative 9 in the EIR) will allow the applicant to demolish the Neutra house with applicable mitigation measures and build a new house in the same location. It will reduce impacts on viewshed so that the new house will be compatible with the visibility and mass of other homes visible in the same viewshed. With its reduced height, the Project will not significantly alter views either from 17 Mile Drive or Fanshell Beach because the mass will be reduced, and the trees will soften the ridgeline effect.

14. FINDING:

DEVELOPMENT ON SLOPES OF 30% OR GREATER:

- There is no feasible alternative which would prevent development on slopes that exceed 30 percent. Non-sloped areas are occupied by ESHA. The proposed development better achieves the goals, policies, and objectives of the 1982 Monterey County General Plan and applicable land use plan than other development alternatives because it contains most development impact to previously developed areas.
- EVIDENCE:**
- a) The project includes a Coastal Development Permit to allow development on slopes exceeding 30 percent. Some portions of the site surrounding the existing home contain slopes in excess of 30%. Grading and foundation preparation for the Project would impact small areas containing slopes near the existing building footprint (approximately 870 square feet). Outside of the existing footprint, the parcel is comprised of slopes mostly exceeding 30 percent. The project has been sited and designed to use the least sloped areas of the property. Most of the development proposed is within the footprint of the existing structure and patios. Most of the grading on slopes exceeding 30 percent is in the area of the driveway.
 - b) The geologic and seismic analysis relied on a project-specific geotechnical study prepared by Cleary Consultants, Inc. (March 2010, Appendix E of the EIR). The analysis also considers the various existing state and local regulations that apply to geotechnical design and construction, including the California Building Code and the Monterey County ordinances for building and grading. Under these laws, and prior to issuance of construction permits, applicant must demonstrate adequate compliance with requirements to safely construct on the site given both the subsurface geology and local seismic conditions. The driveway and entry court are the main area of the property with development on slopes over thirty percent. The geotechnical report for those areas mandates recommends two and one-half inches asphaltic concrete over six inches Class II aggregate base and for twelve inches of subgrade soil and the aggregate base to be compacted to at least 95 percent relative compaction. The geotechnical engineer determined that the site is adequate for the Project, provided the geotechnical engineer's recommendations are incorporated. The Project has been so conditioned.
 - c) During site inspections on November 27, 2013, June 30, 2015, and September 11, 2022, staff verified that the Project will minimize development on slopes exceeding 30 percent. Additional analysis was done during the environmental assessment. Outside of the existing building pad area, other areas of the property have similarly steep slopes.
 - d) The property is occupied by coastal sand dune and wetland (ESHA). The property is on 17 Mile Drive and within a protected viewshed. A redesign to avoid all slopes would cause greater impacts to ESHA and thereby conflict more with the

goals and policies of the Del Monte Forest Area LUP than the Reduced Height Project will.

- e) These Mitigation Measures were proposed to reduce impacts to development on slopes to a less-than-significant level:
HYD/mm-1.1 - Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit an erosion control plan to the County for review and approval.
HYD/mm-2.1 - Prior to issuance of demolition, grading, or construction permits, the Applicant shall submit a drainage plan to the County for review and approval.

15. FINDING:

TREE REMOVAL – The siting, location, size, and design has been established to minimize tree removal and has been limited to that required for the overall health and long-term maintenance of the property.

EVIDENCE:

- a) Three Monterey Cypress trees will be removed as part of the Project. Under the Del Monte Forest Coastal Implementation Plan, (DMF CIP), a Coastal Development Permit is required; the criteria to grant said permit have been met.
- b) Pursuant to section 20.147.050.B.1 of the DMF CIP, an Arborist Report and Forest Management Plan was prepared for the Reduced Height Project (LIB100394). The arborist report evaluated the health, structure, and preservation suitability for each tree within or adjacent to the proposed development. The report found five Monterey Cypress trees located within the proposed footprint of the new construction at the time. According to the report, three of these trees were in poor health and two were in fair health. The report also noted that two trees would be moved from the proposed building footprint to another location near the house. As described in Finding 4, one of those trees has died. Due to the circumstances of its planting as part of a Restoration Permit, the tree will also be replaced as part of Condition No. 16, Monterey Cypress Tree Plan. The Plan will be developed as part of condition compliance on this entitlement. The Plan will require additional Monterey Cypress tree planting if the transplanted tree does not survive. For the Coastal Development Permit, three Monterey Cypress trees are considered removed.
- c) The Project has been designed and sited to minimize the removal of protected trees to the greatest extent possible under the circumstances. Several native Monterey Cypress trees are to the north of the proposed construction site. Relocating the proposed dwelling and courtyard to the south or west would result in a more substantial amount of development on slopes exceeding 30 percent or on areas of sand dune habitat (ESHA).
- d) Measures for protection of trees and replacement of any impacted by this project have been incorporated as Condition No. 16. Condition No. 16 is based on Biological Resources Mitigation Measure 1.1, which required the applicant to plant four 36-inch box Monterey Cypress trees to ensure all removed

Monterey Cypress trees are replaced on site at a 2:1 ratio, over three years after planting the replacement trees, the applicant shall submit evidence demonstrating that the replacement trees are in a healthy, growing condition. Condition No. 16 differs from the statements about tree removals in the EIR in that three trees are considered removed, as discussed in evidence a, and one of the replacement trees will be 48-inch box placed on the western side of the new structure. During construction, a County-approved arborist shall be on-site to monitor any grading activities that occur within the Critical Root Zone of trees to remain in place. If transplanting or trimming of the existing trees for construction activities results in a declining or dead condition, the Cypress Tree Plan shall be followed, and a Coastal Development Permit shall be obtained, as such activity would constitute native tree removal.

- e) No significant long-term effects on the forest ecosystem are anticipated. The project as proposed will not significantly reduce the availability of wildlife habitat over the long term as the site has surrounding forested areas which are to remain untouched
- f) Staff conducted site inspections on November 27, 2013 and September 11, 2022, to verify that the tree removal is the minimum necessary for the project.
- g) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN100338.

16. FINDING:

PUBLIC ACCESS – The project conforms with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with section 30200 of the Public Resources Code) and the applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE:

- a) No coastal access is required as part of the project, as no substantial adverse impact on access, either individually or cumulatively, as described in Del Monte Forest Area CIP section 20.147.130, has been demonstrated.
- b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- c) The subject property is in an area where the Local Coastal Program requires physical public access (Figure 8, Major Public Access and Recreational Facilities, in the Del Monte Forest Area LUP).
- d) The subject project parcel is in an area where the Local Coastal Program requires visual public access (Figure 3, Visual Resources, in the Del Monte Forest Area LUP) and CIP section 20.147.070.
- e) Based on the project location among large trees, more planned vegetative screening, planned restoration of sand dune habitat,

and its topographical relationship to most visual public access points in the area, the development proposal will not interfere with visual access along 17-Mile Drive or from Point Lobos. Consistent with Del Monte Forest Area LUP Policies 123 and 137, the Project, as mitigated and conditioned, will not block significant public views toward the ocean or adversely impact the public viewshed or scenic character in the project vicinity.

f) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN100338.

17. FINDING:

APPEAL – Pursuant to Monterey County Code section 20.86.030, Raymond Neutra, Sam Reeves, and Alliance of Monterey Preservationists (AMAP) separately and timely appealed the Planning Commission’s January 25, 2023 decision certifying the EIR and approving the Combined Development Permit. Upon consideration of the written and documentary evidence, the staff report, oral testimony, other evidence presented, and the administrative record as a whole, the Board finds no merit to appellants’ contentions. The Board’s reasoning as to such contentions follows. Copies of the appeals and itemized responses prepared by staff, but which the Board hereby adopts and incorporates into this Resolution, are Attachment B-2 to the staff report for the May 9, 2023 Board of Supervisors hearing. The Board finds that the appellants fail to provide substantial evidence to support its contentions that 1) the Preservation Alternative should be the approved project; 2) the site is inappropriate for the proposed single family dwelling; 3) the proposed single-family dwelling does not comply with the Local Coastal Program; 4) the Planning Commission’s findings were inadequate; and 5) the Planning Commission hearing on January 25, 2023 was not fair and impartial.

EVIDENCE: a)

Appellants Reeves, Neutra, and AMAP contend that the Planning Commission was not fair or impartial because the applicant was allowed to speak longer than is typically granted to an applicant and then was allowed to interrupt other speakers while other speakers during public comment period were only allowed three minutes. Furthermore, appellants contend that the applicant was allowed to make false statements that were not corrected.

County’s response:

The Project has had a long, complicated history. The Chair allowed the applicant sufficient time to present the project and her experiences fully. There is no rule of order that limits applicant presentation time. This comment also puts undue responsibility on staff to control the applicant during hearing testimony. Material facts were stated during the staff presentation. In any instance in which a fact was extrapolated

upon by the applicant to describe her personal experience in dealing with the appellant and their representatives or the consultants who accepted contracts both with her and the appellant, it was not feasible for staff to correct the record within any immediacy. Firstly, many of the interactions that the applicant described were outside of County involvement. Secondly, the Planning Commission did not direct staff to qualify the veracity of the statements. Had they done so, staff would have requested additional time to do the research. After listening to the video recording of the hearing, staff finds that the Chair handled the hearing as well as could be expected and was equally polite with all parties. He was not required to allow members of the public to speak for more than three minutes in comment on the agenda item. He allowed the applicant to respond to remarks by the public without limiting their time, just as Planning Commission leadership has in previous meetings. Therefore, the meeting was fair and impartial.

- b) Appellants Neutra and AMAP contend that the Commissioners relied on the HRRB's recommendation without being knowledgeable about the content of the HRRB's discussion in its project review meeting.

County's response:

There is no evidence to support this claim. The staff report, Resolution, and staff presentation to the Planning Commission all discussed the meeting and the HRRB's deliberations at that meeting. Staff were available in the hearing to answer any questions on how the vote was captured in the draft minutes.

- c) Appellant Reeves contends that the Land Use Advisory Committee project should have reviewed the recommended project with the FEIR prior to the Planning Commission hearing on the project.

County's response:

Staff customarily routes projects to the Land Use Advisory Committees (LUAC) for its review and recommendation during staff's inter-departmental project review. The purpose of the LUAC is to advise an appropriate authority to consider a permit, by providing comments and recommendations that reflect the perspective of the local community with focus on neighborhood character, unique community conditions and potential local effects of a project. This review also provides a venue for neighbors to provide input on a proposed project. The LUAC review and recommendation is intended to occur early in the review process where there is still flexibility to incorporate changes in a project. The role of the LUAC is advisory.

In this case, the project was scheduled for LUAC consideration multiple times and there was a motion taken, but the vote was

split. A split vote and minutes summarizing comments have been useful information for the appropriate authority to review the permit. If the LUAC requested to review the project again after the public draft EIR was released, staff may have scheduled another review. This was not the case in this instance. Furthermore, The HRRB (also acting in an advisory capacity) held an open public meeting within a month of the Planning Commission hearing and a notice of the item was circulated in the paper and to all neighbors within 300 feet, as well as interested parties for PLN100338 (the subject project) and it was emailed to the HRRB distribution list. Therefore, the public was given ample opportunity to comment on the recommended project after the Final EIR was available for review in the HRRB special meeting to review the project on January 12, 2023 and in the Planning Commission hearing on January 25, 2023.

- d) Appellants Reeves, Neutra and AMAP contend that the site is not suitable due to the impacts to Environmentally Sensitive Habitat Areas (ESHA) on the subject parcel and they point to policies of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan and the Coastal Act, as well as letters from other agencies and organizations, as reasoning that the siting is unsuitable for the proposed single family dwelling. Neutra and AMAP refer to letters from the California Coastal Commission on the project in support of their contentions. Reeves further states that the court's decision in the Bolsa Chica case was that the only uses allowed in ESHA, even when it is disturbed and degraded ESHA, are resource dependent uses.

County's response:

Sand dunes in the Del Monte Forest Land Use Plan (LUP) area are considered ESHA by the LUP and, in turn, regulations for the treatment of the ESHA are described in the Del Monte Forest Coastal Implementation Plan (CIP) section 20.147.040. The intent of these ESHA regulations is that the areas be protected, maintained, and where possible, enhanced and restored. The County does not dispute that the proposed project expands development footprint in the Signal Hill sand dunes. Although the area of expansion disturbed with iceplant and landscaping vegetation and patios from the previous owners, there is the potential for the substrate to be restored and become ESHA, so it is recognized as ESHA by the LUP. The Biological Report for the project did not find protected species or species of special concern in the area where construction is proposed. However, special circumstances exist in the case of the subject parcel because it was formed by a subdivision that was executed prior to the adoption of the California Coastal Initiative (Proposition 20 in 1972) and the Coastal Act (1976), including Coastal Act Section 30240, the purpose of which is to protect

ESHA. A letter to County on the Public Draft EIR for this project (October 12, 2018 Brian O’Neill, Coastal Planner, Central Coast Office) that is included in the Final EIR as Comment Letter A-2 raised questions on LUP consistency as it pertains to ESHA. The letter suggested that County follow up with Coastal Commission. Staff has met with Coastal Commission staff as part of the response to Comment Letter A-2, with results such as the addition of a mitigation measure (BIO-mm 3.9) and a more collaborative approach to the consideration of residential expansion within residential lots that were formed prior to the California Coastal Initiative and Coastal Act of 1976. To that end, the most recent letter from the Coastal Commission staff to the Planning Commission, dated January 24, 2023, did not condemn the expansion of the project footprint into ESHA in this project, but requested the LUP be amended. They stated,

“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.”

County Planning and Coastal Commission staff discussions about LCP amendments are underway. The County concurs, in principle, with the Coastal Commission staff that an LCP amendment, rather than enforcement of a strict adherence with the Local Coastal Act ESHA policies in the subject parcel, is the appropriate path forward. This is because the site is one of many which are on lots subdivided prior to the Coastal Act and have expanded footprint in ESHA and which provide some form of restoration of sand dune habitat in exchange. In this case, the applicant has agreed to restore and maintain 1.67 acres of sand dune habitat. In sum, the site is suitable for the Project and appropriate steps have been taken pursuant to the LUP to allow the Project to proceed.

- e) Appellants Reeves, Neutra, and AMAP contend that the Connell House has not been properly maintained and restored, and the condition of the home after the application was made should not be considered. Neutra and AMAP added that the Project is not

consistent with Goal 52 of the 1982 General Plan “to designate, protect, preserve, enhance, and perpetuate those structures and areas of historical, architectural, and engineering significance.”

County’s response:

CEQA Guidelines section 15125(a) recognizes the generally accepted principle that environmental impacts should be examined considering the environment as it exists *when a project is approved*. This is so even if a site’s condition results from prior illegal activity, since such conduct is subject to enforcement action, and it would place an undue burden on EIR preparers to adjudicate claims of illegal conduct. (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1453; *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 370 (quoting *Riverwatch*). Additionally, the applicant included demolition of the structure as a key project objective and as part of the Project Description from the start, including in the Notice of Preparation (NOP) of the EIR. In the eight years since the NOP was distributed, there is no evidence of an offer to buy the property to restore the Connell House. County acted promptly to cause the applicant to shore up the structure and remove materials that could further degrade the integrity of the Connell House after vandalism events. The Stipulated Agreement signed by the County and the applicant in 2015 and amended in 2017 stated that PLN100338 was an active development application, and the resulting permit was anticipated to resolve the condition of the structure.

- f) Appellants Reeves, Neutra, and AMAP contend that no evidence or poor evidence has been presented to demonstrate that all preservation options are infeasible. They note that alternatives were not rejected due to infeasibility. There is no economic hardship preventing restoration of the damage incurred under the current ownership, Neutra and AMAP add to this thread.

County’s response:

During EIR preparation, the applicant commissioned a physical and economic feasibility analysis report from Simpson Gumpertz & Heger (September 19, 2016). It was attached to the FEIR as Appendix F. The objective of the report was to determine the building’s structural condition, its safety, and to render an opinion as to whether the structure can be practically repaired and restored or moved to another site. (At the time of the report, all ten project alternatives were on the table. The Simpson Gumpertz & Heger report helped eliminate Alternative 5, Relocation and Preservation.) In the report, section 5.2 discussed Reconstruction. The report stated that it would entail an effort comparable to the structure’s original construction. Testimony by a County expert in construction expanded on this statement at the January 25, 2023 Planning Commission hearing on the project to describe how expensive the full rebuild would be in

terms of materials and labor. Much like the Simpson Gumpertz & Heger report, the County concluded that abatement of the structure though demolition is the most feasible option at this time. The HRRB concluded that the preservation alternatives is infeasible because of the property's condition and that, consequently, the preservation alternative would actually be just be construction of a replica. The County does not condone demolition by neglect. However, there is a limit to the County's power to control what is done or not done on private property after permit issuance. That is why the feasibility of alternatives evidence in the Finding 8, Alternatives of this Resolution describes the likelihood of outcomes that would alleviate the health and safety issues at the property and that applicant, or a successor-in-interest, would pursue the ministerial permits to complete alternatives that do not demolish the Historic Resource (the Preservation and Project Integration Alternatives). After two decades of public discussion of the proposed project in County meetings, online historic resources forums, and the local newspapers, there is no evidence of an offer to buy the property to restore the Connell House. The County does not dispute that this situation of the subject parcel shows that County has difficulty in always being consistent with Goal 52 of the 1982 General Plan. The Connell House was not recognized in public knowledge as a Neutra-designed structure when the applicant bought the property. This was, in part, because the investigation into historic and notable qualities of structures usually commences fifty years after construction.

- g) Appellant Reeves claims that the Statement of Overriding Considerations adopted by the Planning Commission did not contain substantial evidence because it was comprised mainly of general statements that Reeves maintains would apply to any project, without supporting evidence as to each consideration's applicability to this project.

County Response: This contention is too general to allow a meaningful response. The County disagrees, but, nevertheless, has modified the language supporting each finding to tailor each such finding more fully to this situation.

- h) Appellants Neutra and AMAP all challenge the Statement of Overriding Considerations on different grounds. Neutra and AMAP argue that the tax revenue increase could not be relied upon under CEQA as an overriding consideration.

County's response: The appellants are incorrect. CEQA Guidelines section 15093(a) states, in relevant part, "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits . . . when determining whether to approve the project" (emphasis supplied). County tax revenue is such an economic concern, as it would be directly affected by the decision whether to

demolish the existing home. The County has reasonably determined, based upon the professional opinions of the Director of Building Services and the Chief of Planning, that allowing a dilapidated structure to remain in the 17-Mile Drive area of the County, leading to both an eyesore and a health and safety hazard, would reduce tax revenue as opposed to new construction. Upon development of the RH Project, a long-term inhibitor of such revenue is removed.

- i) Appellants Neutra, and AMAP challenge the consideration: “The Project would result in a custom-built estate home within a setting known to support this type of development and represents consistent application of development policies absent the historic resource considerations. Neutra and AMAP argue first, that “[t]he proposed project is significantly higher and larger than neighboring houses,”

County’s response: As to the size of the project, it is unclear whether Neutra and AMAP refer to the Full Height or RH project. The RH project addresses the height concern. Regardless, the Signal Hill Road neighborhood is small; the appellants constrained their appraisal of home sizes to this small area to best support their argument, but this decision does not accurately reflect the impact of the project on the broader area. Indeed, an average member of the public would reasonably view the constructed RH Project as one of many large custom estates in the 17-Mile Drive area. Also, the proposed dwelling plans incorporate tiered levels that capture the 11,933 square foot floor area with less bulk than a typically boxy design of similar size. The architect of the Mehdipour house is Ricardo Legorreta, whose work is lauded internationally but is rare in California. Legorreta visited the site on more than one occasion to ensure that his design was suited to the dunes siting. The oral testimony on record from the Planning Commission includes that of an architect who stated that the Commission may later be discussing how to protect it as an Historic Resource. Top-tier architectural designs are suitable both in Pebble Beach and in the County as a whole.

Neutra and AMAP also argue that “[t]he demolition of the historic resource does not benefit the community or the county as a whole.”

County’s response: Given the current state of the historic resource, demolition protects the health and safety of the public. Failing to demolish the existing, dilapidated home would undermine the policies of Title 18 (section 18.01.090 A-J) by continued unreasonable state which is detrimental to the public health, safety and welfare. Reconstruction of the Neutra-designed house would remedy the violations of these Title 18 sections, as well. However, the applicant has repeatedly

expressed to staff that she does not wish to live in the Neutra-designed house. Although technically feasible, preservation of the Connell House would require at least some degree of tear down and reconstruction due to the unstable structural conditions of the existing building. The best case outcome of not granting the demolition permit is that the applicant would invest significant time and money to preserve the house and clear the violation, then resell the property. Another outcome could be that applicant sells the property without improving the structure because the Preservation Project entitlement would clear the violation. It is difficult to predict a buyer for the property with Preservation as the active permit would step forward. The worst-case outcome would be that the applicant is granted the entitlement only for the Preservation Alternative and would not comply with its requirements. In that case, the property would continue to present a risk to public health and safety. See Finding 9 for more information.

- j) Appellant Reeves contends that support of the RH Project “approves ridgeline development when there are clear and reasonable alternatives that would not be ridgeline development; approves a house three times the average size of homes in the Signal Hill neighborhood.”

County’s response:

Ridgeline Development was discussed in the EIR in relation to the Full Height Project and the reduced height alternative (proposed project in the Board resolution). As discussed in the FEIR, the ridgeline effect that would potentially occur under the reduced height alternative project is very slight. From most angles, the constructed RH Project would not silhouette against the sky or the ocean.

- k) Appellant Neutra contends that, in response to the vandalism on the Neutra-designed house in 2015, neither the county nor the owner demanded a thorough investigation at the time.

County response: In 2015, the County Sheriff’s office thoroughly investigated the vandalism but was not able to conclude who the vandals were. The County’s Code Enforcement team and County Counsel pursued the code violations related to the vandalism by designing, with HRRB input, and enforcing, a Mothball Protection Plan through a Stipulated Agreement. All code violation fees are paid, and the Code Enforcement team continue to monitor the case. Since the project Final EIR was released, the County anticipates that the violations will be resolved through the Planning Permit PLN100338, however it may be decided.

- l) Appellant Neutra contends that the HRRB and the Planning Commission recommended that the historic structure be demolished because it has been damaged beyond repair and has been allowed to deteriorate further. He contends that this sends a message to other purchasers of historic properties.

"Any intentional damage or neglect that threatens your historic property will not be seriously investigated and once the damage has occurred the county will deem it a sufficient reason to ignore its historicity and permit you to tear it down to make way for whatever project you propose."

County Response: The HRRB and the Planning Commission have both acknowledged that this is an unfortunate situation. There was neglect and decay of a structure that the applicant ties to the structure's inherent flaws (wood framing along the north side of the building was not anchored to the foundation, upper level walls are discontinuous and not supported on walls below, lateral resistance for the building was provided by cement plaster on the exterior and interior walls) and to sixty years of Pebble Beach weather that it was not built for (citing earlier owner's account of extreme draftiness) which resulted in moisture infiltration and mold. The owner stated in a comment letter to the Draft EIR (Letter P-125) that her family moved out after the mold inspection found it unhealthy to live in. During its discussion of the Signal Hill LLC project, the Planning Commission referred to the previous violations on the subject parcel relating to the Connell House and tree removal. It did not take the decision to approve lightly, but remedies to the previous violations were in place and therefore such violations could be set aside for the decision at hand. In approving the Reduced Height Alternative, the Planning Commission understood that the Preservation Alternative was the environmentally superior project. Nevertheless, it elected to approve another alternative with a Statement of Overriding Considerations for unmitigable impacts to Historic Resources. See also Finding 17, evidence e.

- m) Full responses to each separate contention are attached to the Resolution as Attachment B2 and are incorporated herein as evidence.
- n) Coastal Commission. Pursuant to Title 20, section 20.86.080.A, the project is subject to appeal to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea (i.e., State Route/Highway 1).

DECISION

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

1. Certify the Signal Hill LLC Environmental Impact Report (EIR) (SCH#: 2015021054);
2. Adopt the above CEQA findings and a Statement of Overriding Considerations;
3. Deny the appeal by Raymond Neutra, aka Neutra Institute for Survival Through Design from the January 25, 2023 Planning Commission decision approving the Combined Development Permit (PLN100338/Signal Hill LLC);

4. Deny the appeal by Samuel Reeves represented by Anthony Lombardo, Esquire, from the January 25, 2023 Planning Commission decision approving the Combined Development Permit (PLN100338/Signal Hill LLC);
5. Deny the appeal by Alliance of Monterey Area Preservationists from the January 25, 2023 Planning Commission decision approving the Combined Development Permit (PLN100338/Signal Hill LLC);
6. Approve a Combined Development Permit for the “Reduced Height Project” (Alternative 9 of the Final EIR) consisting of:
 - a) Coastal Administrative Permit and Design Approval for the demolition of an existing 4,124 square foot single family residence and the construction of a new three level 11,933 square foot single family residence including an attached three-car garage, a 986 square foot entry court, 106 square feet of uncovered terraces, approximately 2,600 square feet of covered terraces, new driveway, and approximately 1,700 cubic yards of grading (1,200 cubic yards cut/500 cubic yards fill);
 - b) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat; development includes restoration of native dune habitat in dunes outside the building area;
 - c) Coastal Development Permit for development on slopes exceeding 30 percent;
 - d) Coastal Development Permit for Ridgeline Development;
 - e) Coastal Development Permit for development within 750 feet of a known archeological resource; and
 - f) Coastal Development Permit for removal of three Monterey Cypress trees.
7. Adopt the Mitigation Monitoring and Reporting Plan.

All work must be in general conformance with the attached plans, and this approval is subject to 43 conditions (including 34 mitigation measures), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of May, 2023, upon motion of _____ seconded by _____, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

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

Dated:

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

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION-MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES:

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from County of Monterey HCD-Planning and HCD-Building Services offices in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN100338

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This permit Combined Development Permit for the "Reduced Height Project" (Alternative 9 of the Final EIR) consists of

- a) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 4,124 square foot single family residence and the construction of a new three level 11,933 square foot single family residence including an attached three-car garage, a 986 square foot entry court, 106 square feet of uncovered terraces, approximately 2,600 square feet of covered terraces, new driveway, and approximately 1,700 cubic yards of grading (1,200 cubic yards cut/500 cubic yards fill) and restoration of approximately 1.67 acre of native dune habitat;
- b) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and
- c) Coastal Development Permit for development on slopes exceeding 30 percent;
- d) Coastal Development Permit for development within 750 feet of a known archeological resources; and
- e) Coastal Development Permit for Ridgeline Development; and
- f) Coastal Development Permit for removal of three Monterey cypress trees at 1170 Signal Hill Road, Pebble Beach (Assessor's Parcel Number 008-261-007-000), Del Monte Forest Area Land Use Plan,

was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the HCD Chief of Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.

(HCD - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

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