



Monterey County

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Board Report

Legistar File Number: 15-1272

November 17, 2015

Introduced: 11/13/2015

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Current Status: Agenda Ready

Matter Type: General Agenda Item

Public hearing continued from October 20, 2015 to consider:

- a. The appeal by Massy Mehdipour and Signal Hill LLC of the Historical Resources Review Board's recommendation to the Monterey County Building Official to impose additional requirements on the Mothball Protection Plan to protect the "Connell House," located at 1170 Signal Hill Road, from further damage due to exposure to weather;
- b. Concurrence with staff direction on implementing a Mothball Protection plan; and
- c. Continuing the public hearing on the appeal to a date certain.

PROJECT INFORMATION:

Planning File Number: REF150089

Owner: Massy Mehdipour

Project Location: 1170 Signal Road, Pebble Beach

APN: 008-261-007-000

Agent: N/A

Plan Area: Del Monte Forest Land Use Plan

Flagged and Staked: No

CEQA Action: The Mothball Protection Plan consists of stabilizing a historic resource, which is exempt from environmental review under Section 15331 of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to take the following actions:

1. Concur with staff direction on implementing a Mothball Protection plan; and
2. Continue the public hearing on the appeal by Massy Mehdipour and Signal Hill LLC to a date certain.

SUMMARY:

The public hearing on this appeal was continued at the appellant/applicant's request from the Board of Supervisors meeting of October 20, 2015. The prior staff report to the Board of Supervisors is included as **Attachment A**. The appeal is related to the Historic Resources Review Board's action to approve a Mothball Protection plan for a historic structure in conformance with the Secretary of the Interior's Preservation Brief 31. The house in question is historic and has been deteriorating due to lack of maintenance. The property owner has submitted an application for a Coastal Development Permit to demolish the house, and to construct a new residence. An EIR is currently being prepared for the Coastal Development Permit application, and a draft EIR is anticipated to be released in spring of 2016.

The action by the HRRB was a recommendation to the Building Official as to whether the Mothball Protection plan was adequate to prevent additional structural deterioration and comply

with the Secretary of the Interior's Standards for the mothballing of historic buildings. This recommendation would then be considered as part of the issuance of the Building Permit. The Building Official is the approving authority for the actual construction permit. The action by the HRRB is only a recommendation on what should be included in that building permit. Upon the property owner acquiring the building permit and timely completing the work with the conditions in **Attachment B** to the satisfaction of the county, the Compliance Order issued on July 21, 2015 would be satisfied.

DISCUSSION:

During the October 20 hearing, a member of the Board of Supervisors requested that upon the continued hearing date, staff address the option of restoring the house to a livable condition. In addition, subsequent to October 20, staff has met with the appellant/property owner in an attempt to agree upon a plan to protect the house from winter weather. This report summarizes the actions to date and address the concept of restoration as an alternative.

Staff met with the property owner on October 21, 2015, at which time the property owner offered to have their historic consultant develop a Mothball Protection plan. Staff agreed to this offer as a means of arriving at a plan to satisfactorily protect the house from further deterioration pending consideration of the owner's Coastal Development Permit application. A draft Plan was submitted to County staff on November 2, 2015, and was discussed with the property owner on November 4, 2015. The Plan submitted by the property owner was not adequate, and the Building Official developed a list of action items which considered the HRRB action, the Uniform Building Code and actions suggested by the property owner's consultant. This list of actions or conditions is more concise than that developed by the HRRB and is adequate to preserve the building during the consideration of the application to demolish the existing building and construct a new house. These conditions are included in **Attachment B** to this Report.

The property owner has verbally agreed to implement these conditions, but a couple terms of the agreement are still being discussed as this report is being written.

In regard to the option of restoration of the house, the appeal being considered by the Board of Supervisors is for the Mothball Protection Plan required in response to the Compliance Order issued on July 21, 2015. The July order is actually the third compliance order issued on the house:

- On May 22, 2015 a Compliance order was issued requiring various repairs to correct the substandard condition of the house.
- On June 19, 2015 a Compliance Order was issued in response to vandalism to the house including walls being cut and floor joists having holes drilled in them; the County required that the house be supported and stabilized to prevent it from collapsing.
- On July 21, 2015 a Compliance Order was issued requiring weatherproofing the house to protect it from further deterioration.

(Copies of these orders are attached as Attachment E to the October 20 staff report.)

The May 22, 2015 Compliance Order was essentially to return the house to a properly maintained, livable status. Staff interprets this order is for restoration; however, the May 22

Order was not part of the July 21 Order that is before the Board for consideration. Therefore, restoration is not part of the appeal action before the Board for consideration at this time.

The house was subsequently vandalized. When the vandalism happened, staff balanced this with the fact that the property owner has requested approval to demolish the house as part of her application to build a new structure. The issue of restoration would be properly addressed as part of the consideration of the application to demolish the house and build a new house, following completion of the EIR. If the decision is made to not allow demolition of the house, then restoration would be required, as stated in the May 22, 2015 compliance order. If approval is granted to demolish the house, then a permit will be issued to allow demolition of the house. Either action would address the violations.

Supervisors may recall a recent action where a property owner (Flores) illegally removed many trees. The property owner did not want to restore but rather submitted an application to allow removal of the trees. The Board, on appeal, denied the request to remove the trees and required restoration. Staff finds that, in this case, the decision for restoration is best associated with the decision on whether or not to allow demolition of the house.

Until a decision is made on whether to demolish the house, the critical action is to insure that no further deterioration of the house occurs. The list of action items developed by the Building Official is a completely appropriate set of actions to protect the house from any further damage or deterioration. Staff believes these measures should be implemented immediately. If the property owner is willing to move forward with these actions and withdraws her appeal, the Board hearing on the Mothball Protection Plan issue would be moot.

Staff recommends that the Board concur with the Staff approach to implement the protection measures contained in **Attachment B** and continue the hearing on the appeal. If the appeal is not withdrawn, it is recommended that the appeal be denied. Denial would require a continuance to a date certain to enable staff to bring back an appropriate resolution to the Board of Supervisors.

FINANCING:

Funding for staff time associated with this project is included in the FY15-16 Adopted Budget for RMA-Planning. Through the County's Code Enforcement Ordinances there exists the ability for the county to attempt to recover costs associated with violations.

Prepared by: John Ford, RMA Planning Services Manager ext. 5158

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

Carl P. Holm, Director Resource Management Agency, ext. 5103

cc: Front Counter Copy; California Coastal Commission (if applicable); John Ford, RMA Planning Services Manager; Massy Mehdipour, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Project File REF150089

Attachments Are On File With The Clerk Of The Board:

Attachment A October 20, 2015 Staff Report to the Board of Supervisors (with

attachments)

Attachment B Alternative Conditions of Approval (Taken from the November 5, 2015
Compliance Order prepared by Tim Burns).