



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 13-0094 **Name:** Signal Hill LLC (Mehdipour)

Type: General Agenda Item **Status:** Passed

File created: 1/23/2013 **In control:** Board of Supervisors

On agenda: 2/5/2013 **Final action:** 2/5/2013

Title: Public hearing (continued from December 4, 2012 and January 15, 2013) to consider:
a. Granting appeal by Sam Reeves from a decision of the Monterey County Planning Commission approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan 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;
b. Finding the project Categorically Exempt from CEQA per CEQA Guidelines Section 15307; and
c. Approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1 (Title 20, Zoning Ordinance) 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.
(Appeal of a Coastal Development Permit and Restoration Plan - PLN100418/Signal Hill LLC (Mehdipour), 1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan area)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Discussion, 2. Attachment B - Draft Board Resolution, 3. Attachment C - Vicinity Map, 4. Attachment D - Notice of Appeal, 5. Attachment E - Planning Commission Resolution No. 12-033, 6. Attachment F - Del Monte Forest Land Use Advisory Committee Minutes, 7. Attachment G - Request for Waiver of Coastal Development Permit for Tree Removal, 8. Attachment H - Compliance Letter to Massy Mehdi pour dated December 15, 2011, 9. Attachment I - Miscellaneous Project Correspondence dated 6-9-09 to 12-3-12, 10. Attachment J - Miscellaneous Project Correspondence received since 12-3-12, 11. Attachment K - Technical Reports, 12. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
2/5/2013	1	Board of Supervisors	approved	Pass

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PROJECT INFORMATION:

Planning File Number: PLN100418
Owner: Signal Hill LLC
Project Location: 1170 Signal Hill Road, Pebble Beach
APN: 008-261-007-000
Agent: John Bridges
Plan Area: Del Monte Forest Area Land Use Plan
Flagged and Staked: No
CEQA Action: Categorically Exempt

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Grant the appeal by Sam Reeves from a decision of the Monterey County Planning Commission approving an after-the fact permit to clear a code violation (CE090288);
- b. Find the project Categorically Exempt per CEQA Guidelines Section 15307; and
- c. Approve the after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1 (Title 20, Zoning Ordinance) 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.

SUMMARY:

On December 4, 2012, the appeal and project were heard at a public hearing by the Board of Supervisors. The Board adopted a motion of intent to grant the appeal and approve the project and restoration plan subject to modifications to one condition of approval. The Board continued the hearing on the project to January 15, 2013, with instructions to staff to return with the revised condition and revised findings and evidence in support of the motion.

On December 12, 2012, the applicant's attorney, John Bridges, submitted a letter (See **Attachment J**) informing the County that the applicant is no longer willing to implement dune restoration and that the offer to do so is withdrawn.

On January 15, 2013, the Board continued the hearing to February 5, 2013 to allow staff time to evaluate the new information submitted by the applicant and prepare a staff report.

Upon further review of the recommended replacement language for Parts 1 and 2 of Condition No. 4, staff recommends additional clarification to that condition. In light of applicant's December 12, 2012 letter, staff also recommends modification to Part 3 of Condition No. 4 to require an area of dune habitat restoration that is proportionate to the square footage of dune habitat that was disturbed by the applicant.

Staff has revised the recommended Findings and Evidence to support the motion by the Board to grant the appeal.

DISCUSSION:

Detailed discussion is provided in **Attachment A**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:
Environmental Health Bureau

Public Works Department
Water Resources Agency
Pebble Beach Community Services District (Fire District)

Pursuant to Board Resolution 08-338 the project was not referred to the Del Monte Forest Land Use Advisory Committee (LUAC) because the project does not require CEQA review and does not involve a Lot Line Adjustment, Variance or Design Approval; however, the LUAC reviewed a separate application for a proposed new house on site (PLN100338) and in that context commented on the tree removal.

FINANCING:

Funding for staff time associated with this project is included in the FY12-13 Adopted Budget for the Planning Department.

Prepared by: Delinda Robinson, Senior Planner ext. 5198

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

<mailto:> Benny Young, Director Resource Management Agency

This report was prepared by Delinda Robinson and reviewed by Mike Novo, Director of RMA-Planning

cc: Front Counter Copy; California Coastal Commission; Laura Lawrence, Planning Services Manager; Pebble Beach Community Services District; Environmental Health Bureau; Public Works; Water Resources; Signal Hill LLC, Applicant/Owner (Mehdipour); Maureen Wruck, Agent; John Bridges, Attorney; Sam Reeves, Appellant; Anthony Lombardo, Attorney; The Open Monterey Project; LandWatch; Project File PLN100418

The following attachments on file with the Clerk of the Board:

Attachment A	Discussion
Attachment B	Draft Board Resolution, including: Exhibit 1: Draft Restoration Plan with associated assessments Exhibit 2: Recommended Conditions of Approval
Attachment C	Vicinity Map
Attachment D	Notice of Appeal
Attachment E	Planning Commission Resolution No. 12-033
Attachment F	Del Monte Forest Land Use Advisory Committee Minutes
Attachment G	Request for Waiver of Coastal Development Permit for Tree Removal
Attachment H	Compliance Letter to Massy Mehdipour dated December 15, 2011
Attachment I	Miscellaneous Project Correspondence dated June 9, 2009 through December 3, 2012
Attachment J	Miscellaneous Project Correspondence received since December 3, 2012
Attachment K	Technical Reports