



County of Monterey

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

Board Report

File #: RES 14-041, **Version:** 1

Public hearing to consider adopting a resolution to deny the appeal by Sam Reeves from the Planning Commission decision denying Sam Reeves' appeal of an administrative determination by the Director of RMA-Planning that Signal Hill LLC/(Mehdipour) complied with Condition No. 4 of its Coastal Development Permit and Restoration Plan relating to restoration.

[Combined Development Permit REF140032/Signal Hill LLC (Mehdipour), 1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan, Coastal Zone; Exempt from CEQA.]

PROJECT INFORMATION:

Planning File Number: REF140032

Owner: Signal Hill LLC

Project Location: 1170 Signal Hill Road, Pebble Beach

APN: 008-261-007-000

Agent: Anthony Lombardo

Plan Area: Del Monte Forest Area Land Use Plan

Flagged and Staked: No

CEQA Action: Categorically Exempt per Section 15307

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to deny the appeal by Sam Reeves from the Planning Commission decision denying Sam Reeves' appeal of an administrative determination by the Director of RMA-Planning that Signal Hill LLC/(Mehdipour) complied with Condition No. 4 of its Coastal Development Permit and Restoration Plan.

SUMMARY:

In 2009, the owner of the subject property, Signal Hill LLC/Massy Mehdipour, removed two landmark size Monterey cypress trees in violation of Monterey County Code Sections 20.147.050.A.1(b) and 20.147.050.A.1(e). In response to a code enforcement action (CE090288), the owner sought an after-the-fact Coastal Development Permit and Restoration Plan (PLN100418), which was approved on appeal by the Board of Supervisors. The project as approved by the Board of Supervisors included a condition of approval (Condition No. 4) specifying the size and location of replacement trees. This condition was rewritten based on the request of the Appellant made at the Board's public hearing on the Coastal Development Permit and Restoration Plan. The Appellant has since questioned the manner in which the condition was being applied and requested an administrative determination by the Director of Planning as to whether the condition of approval had been met. (**Attachment E**). A written administrative determination explaining why the project is in compliance with the conditions was then issued (Director's Decision, **Attachment F**). The Appellant filed an appeal of the Director's Decision, contending that the Director's Decision is not supported by the evidence (**Attachment G**). On February 12, 2014, the Planning Commission denied the appeal and upheld the decision by the Director of RMA-Planning, finding that the project is in compliance with the conditions of approval (**Attachment I**). The Appellant filed an appeal from the Planning Commission decision, contending that the decision is not supported by the evidence and that the decision was contrary to law (**Attachment H**).

The primary issues are related to the location that the replacement trees were planted and whether the trees will achieve the screening objectives in the five year time frame. The locations of the trees are in substantial compliance with the condition and are as close as feasible as determined by the project arborist given site constraints. The two trees will not grow fast enough to achieve the full screening in 5 years but the trees are in place and monitoring is required until the screening is achieved. Based on these facts, staff and the Planning Commission have found the conditions are being complied with.

The Board of Supervisors may either: 1) deny the Appeal and uphold the Director's Decision that the project (PLN100418) is in compliance with the conditions of approval; or 2) adopt a motion of intent to uphold the Appeal and continue the hearing to a date certain to enable staff to return to the Board with findings that the project is not in compliance with the conditions of approval. The Board of Supervisors may find that the outcome of the Restoration Plan is less than what may be desired but the efforts to date are in compliance with the conditions. Since this is an appeal of an administrative determination and not an action on the project, no action can be taken to modify conditions without a separate process.

DISCUSSION:

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

OTHER AGENCY INVOLVEMENT:

None.

Pursuant to the guidelines in Board Resolution 08-338, the appeal was not reviewed by the Del Monte Forest Land Use Advisory Committee because it involves an administrative determination and is not a project.

FINANCING:

Funding for staff time associated with this project is included in the FY2013-2014 Adopted Budget for the Planning Department.

Prepared by: Delinda Robinson, Senior Planner ext. 5198

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

Benny Young, Director Resource Management Agency

This report was reviewed by John Ford, Planning Services Manager.

cc: Front Counter Copy; Planning Commission; Pebble Beach Community Services District (Fire Protection District); RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; John Ford, Planning Services Manager; Delinda Robinson, Project Planner; Signal Hill LLC, Owner; John Bridges, Owner's Attorney; Maureen Wruck, Owner's Agent; Sam Reeves, Appellant; Anthony Lombardo, Appellant's Agent; The Open Monterey Project; LandWatch; Planning File REF140032/PLN100418

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

Attachment A Project Discussion

Attachment B Draft Resolution

Attachment C Vicinity Map

Attachment D Board of Supervisor's Resolution No. 13-021

Attachment E Letter of Request for Director's Decision Dated 09/24/2013

Attachment F Director's Decision Dated 10/04/2013

Attachment G Notice of Appeal of Director's Decision Dated 10/28/2013

Attachment H Notice of Appeal of Planning Commission Decision Dated 02/24/2014

Attachment I Planning Commission Resolution No. 14-012

Attachment J Arborist Reports Dated 03/26/2013, 04/01/2013, 04/30/2013 and
May 22, 2013

Attachment K Project Correspondence