



# County of Monterey

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

## Board Report

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**File #:** 13-0006, **Version:** 1

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Public hearing (continued from December 4, 2012) 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 Categorical 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)

**[Board to consider request for continuance of the hearing to February 5, 2013.]**

### 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:** Categorical Exempt

### RECOMMENDATION:

It is recommended that the Board of Supervisors continue the public hearing to February 5, 2013 in order to allow staff time to evaluate new information and prepare a staff report.

### 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 (**Attachment A**) informing the County that the applicant is no longer willing to implement dune restoration and that the offer to do so is withdrawn. Staff requests additional time to evaluate the new information and prepare a staff report.

### DISCUSSION:

On May 11, 2012, an application was submitted on behalf of Signal Hill LLC (Mehdipour) for 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 area. As originally submitted, the dune restoration plan proposed to allow European beach grass to revegetate the approximate 2,500 square-foot disturbed area. At a public hearing on July 11, 2012, the Planning Commission directed that a revised restoration plan be prepared that would address the disturbances to scenic & visual resources and environmental resources that exist on the site and that would restore the site to the pre-violation state to the extent feasible. On August 3, 2012, the applicant submitted a revised Remnant Dune Restoration Plan, and on August 24, 2012, the applicant submitted further refinements to the revised Remnant Dune Restoration Plan. The revised Remnant Dune Restoration Plan included a proposal to implement restoration of native dune habitat on approximately 1.63 acres of the site. On August 29, 2012, the Planning Commission approved the Coastal Development Permit and the revised Restoration Plan.

On September 17, 2012, the appellant, Sam Reeves, filed a timely appeal from the Planning Commission's approval of the Coastal Development Permit and Restoration Plan. The appeal is brought on the basis that the findings or decision or conditions are not supported by the evidence and that the decision was contrary to law.

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 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 (**Attachment A**) informing the County that the applicant has withdrawn her offer to implement her Dune Restoration Plan and is no longer willing to implement dune restoration. Restoration of approximately 1.63 acres of dune habitat was included in the Restoration Plan considered by the Board on December 4, 2012. Staff requests that the public hearing on this matter be continued to February 5, 2013 to allow time for staff to evaluate the new information and present the Board with options in light of the new information.

#### 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:

There is no additional impact to the General Fund as a result of this action. 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

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

Attachment A Correspondence from John Bridges dated December 12, 2012