



County of Monterey

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

Board Report

File #: 12-1109, **Version:** 1

Public hearing to consider:

- a. Denying 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). 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)

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 adopt a resolution (**Attachment B**) to:

- a. Deny 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). 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. Find the project Categorical Exempt from CEQA per CEQA Guidelines Section 15307; and
- c. Approve 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.

SUMMARY:

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. 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 and visual resources that exist on the site and that would restore the site to the pre-violation state to the extent feasible. On August 29, 2012, the Planning Commission approved the Coastal Development Permit and a 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. The appellant contends that: 1) the finding that restoration of the site to its pre-violation status is not feasible is not supported by the evidence and for this reason the decision is contrary to law; 2) the Planning Commission found that the site would be restored to its pre-violation state, which is inconsistent with Finding 2; 3) the project will not result in the restoration of the property to its pre-violation state and therefore the approval is contrary to law; 4) the finding that the approval of the permit and restoration plan will not be detrimental or injurious to persons living in the neighborhood or to the general welfare of the County is not supported by the evidence; and 5) the finding that there will be no remaining violations on the subject property is not true. Staff finds that these contentions are without merit and therefore recommends denial of the appeal and approval of the permit.

DISCUSSION:

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

OTHER OPTIONS:

If the Board determines on the basis of the appeal that the applicant should revise the restoration plan, Staff would recommend that the Board adopt a motion of intent to grant the appeal, continue the item to a date certain and direct Staff to return with findings and evidence to grant the appeal and with directions for revisions to the restoration plan.

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 (see **Attachment F**)

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 with assistance 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: 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 August 28, 2012
Attachment J	Letter from Anthony Lombardo to Planning Commission dated August 28, 2012 with attached letters from Environmental Design
Attachment K	Technical Reports