Attachment B

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Before the Board of Supervisors in and for the County of Monterey, State of California

In the matter of the application of:
SIGNAL HILL LLC (PLN240077)
RESOLUTION NO. _____

Resolution by the County of Monterey Board of Supervisors to:

1) Partially uphold the appeals by Samuel Reeves and the Alliance of Monterey Area Preservations, from the April 30, 2025 Planning Commission decision approving the Design Approval;
2) Uphold the appeal by Massy Mehdipour, Applicant, from the April 30, 2025 Planning Commission decision approving the Design Approval with Condition No. 10;
3) Consider the previously certified Final Environmental Impact Report (FEIR) (SCH#2015021054) for the Signal Hill LLC project, and find that the Proposed Project is consistent with Alternative 6 of the FEIR and does not warrant an addendum pursuant to CEQA Guidelines section 15162;
4) Approve a Design Approval for construction of an approximately 7,690 square foot two-story single-family dwelling inclusive of a two-car garage with colors and materials of light brown stucco body and black metal clad wood accents and a gravel roof that fulfills the requirements of the "Reduced Project," Alternative 6 of the Final EIR;
5) Approve a Coastal Development Permit to allow the relocation of two Cypress trees;
6) Approve a Variance for structural development in front setback; and
7) Amend Condition No. 23 of Resolution No. 23-237 to increase the conservation scenic easement for the project to 1.67-acre area.

[1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan (APN: 008-261-007-000)]

The Signal Hill LLC application for a Design Approval, Coastal Development Permit for tree relocation, and Variance to front setback (PLN240077) (the Proposed Project) came on for public hearing before the County of Monterey Board of Supervisors on July 8, 2025 and August 26, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. FINDING: **PROCESS, PROJECT DESCRIPTION AND CONSISTENCY** – The County has processed the subject application for construction of a single-family dwelling (Planning File No. PLN240077/Signal Hill LLC) in compliance with all applicable procedural requirements. The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE:

a) Conformance with Plans. Staff reviewed the updated Project for consistency with the text, policies, and regulations in:
- the 1982 Monterey County General Plan;
- Del Monte Forest Area Land Use Plan (LUP);
- Monterey County Coastal Implementation Plan Part 5 (CIP, Coastal Zoning Ordinance);
- Monterey County Zoning Ordinance (Title 20);
- The adopted Final EIR for the Signal Hill project; and
- Board Resolutions related to the development of the site.

Public comment submitted during project review alleged that the project was inconsistent with the text, policies, and regulations in these documents on various grounds. These comments have been considered and appropriate revisions to the project and conditions of approval have been made. Contentions of the appeal are discussed in Finding No. 10.

b) Project Description. The Proposed Project is for construction of an approximately 7,690 square foot two-story single-family dwelling inclusive of a two-car garage with colors and materials of light brown stucco body and black metal clad wood accents and a gravel roof. The project includes tree relocation (limited to 2 Cypress trees) to accommodate new construction.

c) Allowed Use. The property is located at 1170 Signal Hill Road, Pebble Beach (Assessor's Parcel Number 008-261-007-000), Del Monte Forest Area Land Use Plan (LUP). The parcel is zoned "LDR/1.5-D (CZ)" (Low Density Residential, 1.5 acres per unit with Design Control Overlay [Coastal Zone]), which allows residential uses. This Proposed Project consists of construction of a new single-family dwelling with associated site improvements for residential use. Tree removal proposed as part of the project is analyzed for consistency with the LUP, CIP, and Title 20 Zoning Ordinance and a Coastal Development Permit with supporting finding is part of this entitlement. Therefore, the Proposed Project is an allowed land use for this site.

d) Project Background. On May 9, 2023 and June 27, 2023, the Board of Supervisors heard appeals from Raymond Neutra, Samuel Reeves, and the Alliance of Monterey Area

Preservationists (AMAP) of the Planning Commission's January 25, 2023 grant of a Combined Development Permit for this property based on the EIR's "Reduced Height Project" Alternative (Alternative 9 of the EIR). On June 27, 2023, the Board approved a Combined Development Permit for the "Reduced Project" (Alternative 6 of the Final EIR), in concept, as there were no plans prepared for it to be reviewed at the hearing (Resolution No. 23-237). Resolution No. 23-237 included approval of a Coastal Administrative Permit to construct a new single-family residence of similar size as the existing residence. The Board also approved a Coastal Administrative Permit to demolish the Connell House. The Board's motion adopting its decision included the "stipulation that the construction is in the footprint of the Connell House as it was" (motion statement by Chair Church at minute 3:41 of June 27, 2023 Board hearing zoom recording). The building footprint of the Connell House did not conform to the 30-foot front setback of the LDR zoning district. The Board did not specify that the development footprint should be shifted out of the setbacks. On June 27, 2023, the Board of Supervisors also adopted Resolution No. 23-236, which adopted the Final EIR prepared for the Signal Hill LLC project together with a Statement of Overriding Considerations. The Board approved Condition No. 23 specifying that the project's CSE would be at least 2:1 in size for the area disturbed by the construction of the reduced project.

e) The Final EIR describes its Reduced Project Alternative 6 as subject to these constraints: reduce the size of the proposed single-family residence to stay within the existing developed footprint and to avoid building heights that extend above the ridgeline (EIR Chapter 5, page 5-9). In approving the Coastal Administrative Permit to construct a residence, the Board directed "that the construction is in the footprint of the Connell House as it was" (motion statement by Chair Church at minute 3:41 of June 27, 2023 Board hearing, zoom recording).

f) In approving the Reduced Project concept (Resolution No. 23-237), the Board of Supervisors prohibited the replacement single-family dwelling from expanding beyond the building footprint of the previous dwelling. The plans attached to this Resolution, inclusive of roofs, decks, and hardscapes, do not expand beyond the Connell House's historic footprint and it is designed at a height that does not constitute ridgeline development.

g) Design Review. The site is in a Design Control (D) Zoning District. The purpose of the Design Control Zoning District is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences in those areas of the County where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of

certain developments without imposing undue restrictions on private property. The Signal Hill LLC project has been reviewed for siting, design, colors, materials, height, character, and viewshed impacts. Project siting is generally in the same location as the previous house, close to Signal Hill Road, with Cypress trees on either side of it. The Proposed Project includes exterior colors and materials of light brown stucco body and black metal clad wood accents and a gravel roof (see attached plans). The homes in this area have a variety of architectural styles. As proposed, the design and architectural elements are consistent with the mixed neighborhood character. The proposed colors, materials, bulk, and mass will not detract from the surrounding environment and are consistent with the surrounding residential neighborhood character.

h) Development Standards. As detailed in the attached plans, the Proposed Project meets all required development standards established in Title 20, except the front setback, which conforms with the Board of Supervisors' direction. Title 20, Chapter 20.14 establishes the development standards for the subject parcel, zoned Low Density Residential with a maximum gross density of 1.5 acres/unit and a Design Control Overlay or "LDR/1.5-D(CZ)." Required setbacks for main structures are 30 feet (front) and 20 feet (rear and side). The original Connell House was in the front setback. The direction of the Board of Supervisors on the Proposed Project, when it gave its conceptual approval, was to site the new structure in the same building footprint as the previous single-family dwelling. To comply with this direction, the Proposed Project will continue to be within the front setback. A Variance to setback regulations was requested and is part of this decision (Finding No. 9).

   The maximum height of the main dwelling is 25.5 feet above average natural grade (ANG), meeting the 30-foot height maximum for this zoning district. The maximum allowable building site coverage is 15 percent (14,146 square feet/94,307 square feet), and the project will result in building site coverage of less than 4.4 percent (4,122 square feet/94,307 square feet). The maximum allowable floor area ratio is 17.5 percent (16,504 square feet), and the project will have a floor area ratio of approximately 8.15 percent (7,689.9 square feet). The Proposed Project meets the required height, building site coverage, and floor area ratio regulations.

i) Tree Removal. Two Monterey Cypress trees will be transplanted for the development. An Arborist Report prepared for the PLN100338 project concluded that the trees are not within the native habitat identified as a type of ESHA in Figure 2a of the Del Monte Forest Land Use Plan. The existing trees are in the front setback of the previous development and the proposed replanting locations are also near the proposed

structure on the same side. The proposed project that was appealed to the Board of Supervisors requested removal of a third Monterey Cypress tree, but it was identified as part of a previous Coastal Development Permit and Restoration Plan (Resolution No. 13-021 for PLN100418). The Board does not find evidence to require that the Cypress tree near the existing driveway that was required to be replanted under prior permits must now be relocated. Therefore, the Applicant has agreed that this tree shall be protected in place during construction. The replanting of the two permitted trees shall be overseen by a qualified arborist and a 5-year monitoring program shall be followed as was required for all replanted trees on the property. This requirement ensures the health and survival of the Cypress trees and long-term screening of the development. Tree removal is addressed in Finding 4 of this Resolution.

j) Development on Slopes. Pursuant to section 20.64.320 of the Monterey County Coastal Implementation Plan Part 1 (Coastal Zoning Ordinance), a Coastal Development Permit is required for development on slopes of 30% or greater. The Proposed Project involves development on approximately 800 square feet of area containing slopes greater than 30%. The Proposed Project minimizes development on slopes and a geotechnical report recommends that the development on slopes is feasible. A Coastal Development Permit for development on slopes was included in the Board of Supervisors' Resolution No. 23-237. Conditions applied to the previous permit (PLN100338) for potential impacts due to development on slopes required actions that have begun and will continue to be implemented; no further mitigation is required.

k) Development within 100 feet of Environmentally Sensitive Habitat. Pursuant to section 20.14.030.E, of the Coastal Zoning Ordinance, a Coastal Development Permit is required for development within 100 feet of Environmentally Sensitive Habitat Areas (ESHA). The site is in coastal sand dune habitat, which the LUP and CIP deem protected. With grading and construction, staging areas, up to 0.39 acres will be impacted from construction of the Proposed Project. Restoration of native dune habitat is proposed. A Coastal Development Permit for development within 100 feet of ESHA was included in Board of Supervisors' Resolution No. 23-237. Conditions applied to the previous permit (PLN100338) for potential impacts to ESHA required actions that have begun and will continue to be implemented and no further mitigation is required. See Finding 6 for discussion of biological resource mitigations.

When development is allowed within 100 feet of ESHA, LUP ESHA Policy 13 requires some portion of the property to be conserved in a Conservation and Scenic Easement Deed (CSED). The Planning Commission found the CSED

requirement of Board Resolution No. 23-237, which was for a 2:1 ratio of construction impacted area, to be insufficient to protect the sand dune ESHA outside of the structures allowed for development by this permit. The applicant has offered to extend the Conservation and Scenic Easement (CSE) to cover all areas of the property that are planned for restoration, 1.67 acres. This is in keeping with the Final EIR's recommendation for a CSE based on the originally proposed, much larger project.

LUP Policy 17 recommends that the remnant native sand dune habitat along the shore in the Spanish Bay planning area, on Signal Hill near the former Spyglass Quarry, and adjacent to 17-Mile Drive in the Spyglass Cypress planning area to be preserved through open space CSE conveyed to the Del Monte Forest Foundation. By increasing the size of the CSE, the Project will be more consistent with the LUP. As part of this approval, the Board amends Board Resolution no. 23-237 Condition No. 23 (BIO/MM-3.1), adjust the CSE size to 1.67 acres and provide that the CSE shall cover all restored areas.

Prior to issuance of construction permits, Applicant shall submit to the County of Monterey HCD – Planning, for its review and approval, a CSE exhibit (plat and legal description) that illustrates complete sand dune preservation where it is expected to be restored. The Deed shall allow habitat restoration; other resource dependent uses are permitted. The only deviations from such restrictions may be to repair existing sewer cleanouts and associated sewer pipes that are located in the area. The deed restrictions shall require any future work on the sewer cleanouts and associated piping to be monitored by a qualified biologist and all disturbance areas to be restored to central dune scrub habitat per the specifications put forth in Applicant's Dune Restoration Plan. Applicant/Owner shall record the approved easement reflecting compliance with the measure prior to issuance of the construction permit. (Condition No. 9).

l) Development within 750 feet of known archaeological resources. Pursuant to LUP Policy 58 and CIP section 20.147.080.B, an archaeological survey was prepared for PLN100338. The general surface reconnaissance on the subject parcel had results that were negative for resources, but the report's research found a known prehistoric site within 750 feet of the project site. A Coastal Development Permit is required for development within 750 feet of a known archaeological site was included in the Board of Supervisors' Resolution No. 23-237. Conditions applied to the previous permit (PLN100338) for potential impacts to archaeological resources required actions that have begun and will continue to be implemented, and no further mitigation is required. See

Finding 6 for discussion of (AR/MM-1.1), (AR/MM-1.2), (AR/MM-1.3) and (AR/MM-2.1).

m) Visual Resources. The property is in the viewshed area of 17 Mile Drive, as mapped in Figure 3 of the Del Monte Forest Land Use Plan. The property is visible from the public viewing area of Fanshell Beach. The proposed single-family dwelling is just below the crest of a hill. As discussed in Evidence "e," the height, flat roof, and use of natural colors and materials help blend the development into the surrounding environment (existing sand dune and trees around the site). LUP Policy 51 requires buildings developed on residential lots in the Visual Resources area to be "situated to allow the highest potential for screening from view." LUP Policy 56 urges design and siting of structures in scenic areas should not detract from scenic values and should be subordinate to, and blended into, the environment. Proposed colors and materials consist of light brown stucco, light brown stone cladding, gray gravel roofing, and black metal door and window frames.

The proposed design is consistent with these viewshed policies because of its natural colors and materials and flat roof, all of which reduce its prominence in the public viewshed and complement the natural scenic assets. Applicant has reduced the size of the residence from approximately the 8,290 to 7,690 square feet to better comply with the direction of the Board, and in doing so better comply with applicable LUP policies requiring new structures to be subordinate to the environment. The proposed size does not conflict with LUP Policy 51 because existing trees near the project site offer screening, and the trees proposed to be relocated will be sited near the structure. To further address viewshed policies, a Tree Planting and Protection Condition was applied to PLN100338 (Condition No.16). A 48-inch Cypress tree shall be planted near the house to increase the quality of screening of existing trees onsite. Condition No. 8 of this Resolution brings this forward.

As designed, the Proposed Project roofline will remain below the tree line behind and around it from all public vista points. Section 20.66.010 of the Coastal Zoning Ordinance requires a Coastal Development Permit for Ridgeline Development. Del Monte Forest Area CIP section 20.147.070(6) outlines the criteria for granting permits for new development that is silhouetted against the sky, or ridgeline development. No permit is required for ridgeline development in this case, based on staff review of the staking and flagging, Del Monte Forest Land Use Advisory Committee review of the project, and the attached updated Plans.

Although the Proposed Project is in a high visual sensitivity area, as sited, designed, and conditioned, it will not cause adverse visual impacts. DMF LUP Policy 48 states that development in visually prominent settings shall be sited and designed to avoid blocking or having a significant adverse impact on significant public views. Title 20, section 20.06.1275, defines "substantial adverse visual impact" as "a visual impact which, considering the condition of the existing viewshed, the proximity and duration of view when observed with normal unaided vision, causes an existing visual experience to be materially degraded." The proposed roofline will be 22 feet above Average Natural Grade (ANG) for approximately half of the elevation visible from 17 Mile Drive and Signal Hill Road. The other portion of the roofline will be 25.5 feet above ANG. Staff assessed the visual impacts of the Proposed Project on August 5, 2024. From 17-Mile Drive, the staking and flagging presented a new (replacement) structure that would be on the larger end of the array of structural massing of single-family dwellings currently permitted in the surrounding residential area. Staff found that the lowered height, flat roof, and use of natural colors and materials help blend the development into the surrounding environment (existing sand dune and trees around the site). Once constructed, and with adherence to mitigation measures for restoration of 1.67 acres of the site to natural sand dune vegetative community, the bulk and massing of the dwelling will not significantly alter the viewshed of the Pebble Beach neighborhood. The roofline will remain below the tree line behind and around it from all public vista points.

As redesigned in response to the July 8, 2025 public hearing, the Proposed Project does not present exceptional bulk or height beyond the existing and permitted dwellings within the public viewshed (Fanshell Beach and 17 Mile Drive locations). Staking and flagging was not visible from any other public viewing area due to trees in line of sight and distance. Therefore, the Proposed Project will not create a substantial adverse visual impact. All new exterior lighting shall follow the dark sky regulations required by Mitigation Measure Conditions applied to the previous permit (PLN100338) for potential impacts to aesthetics required actions that will be implemented and no further mitigation is required. See Finding 6 for discussion of AES/MM-3.1..

n) Site Visit. The project planner conducted a site inspection on August 5, 2024, to assess visual impacts and confirm site conditions for the project on the subject parcel.

o) Land Use Advisory Committee. Based on the Land Use Advisory Committee guidelines adopted by the Monterey County Board of Supervisors (Resolution No. 14-373), this application warranted referral to the LUAC because the

Proposed Project includes a Design Approval that requires a public hearing. The project was referred to the Del Monte Forest Land Use Advisory Committee (LUAC) for review on August 1, 2024, The LUAC voted 8 yeas, 0 noes to support the project as proposed prior to the redesign which reduced the size of the proposed project.

p) On April 30, 2025, the County of Monterey Planning Commission held a duly noticed public hearing and unanimously approved the Design Approval, Coastal Development Permit for three Cypress tree relocations, and Variance to front setback by a vote of 10 yeas - 0 noes (Planning Commission Resolution No. 25-012).

q) Pursuant to Title 20 sections 20.86.040 and 050, on May 23, 2025, Sam Reeves ("Appellant" and/or "Reeves"), represented by Lombardo and Associates, timely appealed the April 30, 2025, decision of the Planning Commission. The appeal challenges the Planning Commission's approval, contending that the hearing was not fair and impartial, the findings are not supported by the evidence and the decision was contrary to law. See Finding No. 10 (Appeal) for a summary of this appeal's specific contentions and the County's responses.

r) Pursuant to Title 20 sections 20.86.040 and 050, on May 27, 2025, Mimi Sheridan, representing the Alliance of Monterey Area Preservationists (AMAP), timely appealed the April 30, 2025, decision of the Planning Commission. The appeal challenges the Planning Commission's approval, contending that the findings are not supported by the evidence and the decision was contrary to law. See Finding No. 10 (Appeal) for a summary of this appeal's specific contentions and the County's responses.

s) Pursuant to Title 20 section 20.86.040 and 050, on May 23, 2025, Applicant, Massy Mehdipour ("Appealing Applicant" and/or "Mehdipour"), timely appealed the April 30, 2025 decision of the Planning Commission. The appeal challenges the Planning Commission's approval, contending that the hearing was not fair and impartial, the findings are not supported by the evidence and the decision was contrary to law. See Finding No. 10 (Appeal), Evidence "k" for a summary of this appellant's specific contentions and the County's responses.

t) The appeals were timely brought to hearing. Title 20 section 20.86.070 requires that the appeal authority hold a public hearing on an appeal within 60 days of receipt of the appeal, and the 60-day period can be extended if both appellant and Applicant agree to a later hearing date. The appellant and applicant/appellant agreed to a public hearing date of July 8, 2025, which was within the 60-day period.

u) A complete copy of the appeals is on file with the Clerk of the Board of Supervisors. The appeals are also attached with

itemized contention responses as Attachment C to the staff report for the July 8, 2025 Board of Supervisors hearing.

v) The Board of Supervisors heard testimony from the appellants, the Applicant, and the public on July 8, 2025. The Board also deliberated on the Proposed Project and decided to continue the hearing to date certain of August 26, 2025. The intention was for staff to return with a resolution that upheld appeals and directed the Applicant to return with a design that complied with their direction to stay within the footprint of the Connell House "as it was" and reduce the overall size of the proposed house. The Applicant caused a modified design to be prepared for consideration by the Board which removed "swapped" areas for development. By removing an exterior stairway (180 square feet) and eliminating the development within the previous patio (approximately 600 square feet), the square footage of the proposed new development is reduced by approximately 780 square feet. The revised design is within the footprint of the former Connell House. The height of the proposed residence was not changed, and it remains at a height that avoids ridgeline development. The revised design fully conforms to the description of Alternative 6 of the EIR. The modified Plans are attached to this resolution.

w) The Board of Supervisors conducted a duly noticed public hearing on the appeal and the project on July 8, 2025 and August 26, 2025. The hearing is *de novo*. Notice of the hearing was published in the Monterey County Weekly, notices were mailed and emailed to all property owners and occupants within 300 feet of the project site, and to all persons who requested notice; and three notices were posted at and near the project site.

x) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File No. PLN240077.

2. FINDING: **SITE SUITABILITY –** The site is physically suitable for the use proposed.

EVIDENCE: a) As part of project review under PLN100338, the project was reviewed for site suitability by: HCD-Planning; Cypress Fire Protection Districts; HCD-Engineering Services; HCD-Environmental Services; and the Environmental Health Bureau. None of these departments/agencies has opined that the site is unsuitable for the proposed development. Conditions recommended by these departments and agencies were incorporated in the project Coastal Development Permit resolution (Board Resolution No. 23-237).

b) The EIR identified potential impacts to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Historical Resources, Hydrology and

Water Quality, and Noise, which could result from all components of the Project. All impacts other than those associated with the demolition of the Historical Resource are mitigated to a less-than-significant level. Historical Resource impacts have been mitigated, but not to a less than significant level.

c) The technical reports by outside consultants listed in the References of the Final EIR indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

d) The site designated for residential use. A residential structure has existed on the site since the 1950's. As proposed, residential use of the property would continue.

e) The project planner conducted a site inspection on August 5, 2024, to verify that the site is suitable for the proposed use.

f) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD-Planning for the proposed development are found in Project File Nos. PLN240077 and PLN100338.

3. FINDING: **HEALTH AND SAFETY -** The establishment, maintenance, or operation of the project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use nor will it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: a) All necessary public facilities are available to the Proposed Project. Water and sewer service will be provided by California American Water and the Carmel Area Wastewater District through the Pebble Beach Community Services District. The Environmental Health Bureau reviewed the project application and did not impose conditions pertaining to water, sewer, or solid waste. A water permit from the Monterey Peninsula Water Management District is required prior to the issuance of a building permit.

b) The Proposed Project includes construction of one structure designed for residential use. Emergency services are available. Building permits will be required to ensure the building is designed and built in accordance with California Building Standards. Geotechnical engineers have provided recommendations for the development that will be incorporated. Finally, there are no known hazards that may impact the health and safety of area residents.

c) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD - Planning for the proposed development are found in Project File PLN240077.

4. FINDING: **TREE REMOVAL** – The siting, location, size, and design has been established to minimize tree removal and has been limited to that required for the overall health and long-term maintenance of the property.

EVIDENCE:

a) Two Monterey Cypress trees will be relocated as part of this project. In accordance with the applicable policies of the Del Monte Forest Coastal Implementation Plan, (DMF CIP), a Coastal Development Permit is required; the criteria to grant said permit have been met.

b) Pursuant to section 20.147.050.B.1 of the DMF CIP, an Arborist Report and Forest Management Plan was prepared for the project (PLN100338; Planning Library Doc. No. LIB100394). The arborist report evaluated the health, structure, and preservation suitability for each tree within or adjacent to the proposed development. The report noted that two trees would be moved from the proposed building footprint to another location near the house. A qualified Arborist reviewed the original report and the currently proposed design and found it would require relocation of three Cypress trees and proposed to move these trees to a nearby location on the subject parcel. The trees are estimated to be 22, 16, and 4 inches in diameter.

One of the larger Cypress trees is in an area adjacent to the proposed foundation. The second is currently where a walkway is proposed. In the application, the Applicant had requested the relocation of the 4-inch diameter Cypress tree outside of the developed area as an accommodation to the construction work area. However, this Board concurs with the expert opinion of County HCD staff that the 4-inch diameter tree is isolated from the construction impact area. With protective fencing, it can be retained in the same location without interrupting construction. In accordance with the applicable policies of DMF CIP, a Coastal Development Permit is required for the two living trees which are within the construction footprint of the Proposed residence.

c) Cypress trees on the subject property were involved in Coastal Development Permit and Restoration Plan (Board Resolution No. 13-021 for PLN100418), approved for the subject parcel. This includes the 4-inch Cypress tree, which was the surviving tree that was replanted to comply with Board Resolution No. 13-021. Tree replanting and monitoring that was required by the 2013 resolution was partly incomplete, the bond was not completely returned to the permit holder, and replanting of a tree intended to replace the large tree removed from the west side of the house was subsequently incorporated into PLN100338. For these reasons, Condition No. 7 requires the relocation of trees allowed under this permit to be regulated per the conditions of Resolution No. 13-021, namely quarterly

monitoring of the replacement trees by a qualified arborist for 3 years and annual monitoring for an additional 2 years, replanting as needed. Arborist shall attend a preconstruction meeting and be present for relocations and any replacement tree planting. Failure to comply with replanting locations will result in a new code enforcement case pursuant to the Mitigation Monitoring and Reporting Program (Board Resolution No. 22-311).

d) The Proposed Project has been designed and sited to minimize the removal of protected trees to the greatest extent possible under the circumstances. Several native Monterey Cypress trees are to the north of the proposed construction site. Relocating the proposed dwelling and courtyard to the south or west would result in a more substantial amount of development on slopes exceeding 30 percent or on areas of sand dune habitat (ESHA). Relocating the dwelling to any location other than the previous dwelling footprint was not allowed in the entitlement for the Coastal Administrative Permit for the project pursuant to Board of Supervisors Resolution No. 23-237.

   As the Proposed Project is now within the previous foundation footprint, new construction would necessitate moving one Cypress tree from the courtyard area where a new foundation will be laid within a short distance from the trees' main roots. A walkway is proposed that would also impact the second Cypress immediately next to it. If the trees were to be retained rather than moved, they would likely suffer direct damage during construction and need to be replaced. Instead, survival is better ensured by requiring a certified Arborist to transplant the whole and undamaged trees prior to construction. Therefore, the criterion for a Coastal Development Permit that the minimum amount necessary to allow for the development is met. This conclusion is further supported by the retention of the 4-inch Cypress in the existing driveway area.

e) Measures for protection of trees during construction are incorporated as Condition No. 5. If transplanting or trimming of the existing trees for construction activities results in a declining or dead condition, Condition No. 7 requires a minimum of one-to-one onsite tree replacement with approval of a Coastal Development Permit.

f) The Cypress trees will be replanted near the proposed dwelling and/or other existing Cypress trees and not in the sand dune area required to be restored as sand dune habitat pursuant to Mitigation Measures required for the related development entitlements in PLN100338. (See Condition No. 8.)

g) Scenic visual resources will not be negatively impacted because the two trees proposed for replanting are behind the Connell House footprint and their new locations would be behind the proposed house, thereby only slightly altering the

viewshed. Condition No. 7 requires a qualified arborist to monitor the canopy to ensure the quality of screening is not reduced by more than 50 percent because of tree decline/trimming. Furthermore, the smallest of the trees proposed for replanting is retained; the relocation of two trees only slightly alters the viewshed.

h) One of the trees that was replanted in front of the Connell House pursuant to Planning Commission Resolution No. 13-021 failed after several replanting efforts and monitoring. Therefore, the related project PLN100338 brought forward the requirement of replanting of the tree in a similar location. Board Resolution No. 23-237, Condition No. 16 requires the owner/applicant to cause a 48-inch box Cypress tree to be planted in a location that will screen the new development when viewed from Fanshell Beach and 17-Mile Drive. The tree shall replace the large Monterey Cypress tree that was previously removed from the property and was not successfully replanted per the after-the-fact Planning Permit (PLN100418, Reso. No. 13-021) to clear a code violation for tree removal (CE090788). (This tree planting was not illustrated in the attached Tree Relocation and Protection Plan. When a landscaping plan is provided for condition compliance on the PLN100338, the location of all trees proposed for planting and replanting will be shown.)

i) The previous arborist report for PLN100338 found the Cypress trees proposed for relocation were previously planted and were not considered part of the "Cypress Forest" designated as an Environmentally Sensitive Habitat in the Del Monte Forest area. No significant long-term effects on the forest ecosystem are anticipated. The Proposed Project will not significantly reduce the availability of wildlife habitat over the long term as the site has surrounding forested areas that are to remain untouched.

j) Staff conducted a site inspection on August 5, 2024 to verify that the tree removal is the minimum necessary for the Proposed Project.

k) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File No. PLN240077. Reference also Project File Nos. PLN100338 and PLN100418.

5. FINDING: **VIOLATIONS –** The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

a) Staff reviewed County of Monterey HCD records and is not aware of any violations existing on the subject property. The site is currently clear of debris from the previously removed structure and has erosion controls in place where the residence

had been. Natural and disturbed vegetation is also present on the parcel.

b) The project planner a conducted a site inspection on August 5, 2024, to verify that no violations exist on the property.

c) The application, plans, and supporting materials submitted by the project applicant to the County of Monterey HCD-Planning for the proposed development are found in Project File No. PLN240077.

6. FINDING: CEQA (CONSIDER PREVIOUSLY CERTIFIED FINAL EIR, RECIRCULATION NOT WARRANTED) – Public Resources Code section 21080(d) and California Environmental Quality Act (CEQA) Guidelines section 15064(a)(1) require a project to undergo environmental review if the lead agency finds that, in light of the whole record before it, there is substantial evidence that the project may have a significant effect on the environment. The County prepared a Final EIR dated October 2022 for PLN100338. The Final EIR responded to comments received during the Draft EIR circulation period of August 22, 2018 to October 12, 2018. Through adoption of Resolution No. 23-236, the Board of Supervisors certified the Final EIR. Pursuant to CEQA Guidelines section 15162, when an EIR has been certified, no subsequent EIR shall be prepared for the project unless the agency determines that substantial changes are proposed, or substantial changes occur with respect to the circumstances under which the project is undertaken.

EVIDENCE: a) Permit PLN100338 was granted subject to 42 conditions of approval that run with the land (condition number 31 was removed by the Board action and is still enumerated without condition requirements, as "reserved"). The applicant has complied with all the measures and conditions of PLN100338 in timely fashion pursuant to the recorded Mitigation Monitoring and Reporting Plan Agreement (Document No. 2023029686).

b) The previous single-family dwelling was recognized as an Historic Resource at the State and Federal level, but not the local level (Monterey County Code Chapter 18.85 requires owner agreement to local listing). Although the EIR found impacts to Historic Resources to be significant with mitigation measures applied, the Board supported demolition in this case and found that there was sufficient evidence to support a Statement of Overriding Consideration (Resolution No. 23-237). Mitigation Measures for Historic Resources were applied to PLN100338, including HR/MM-1.1 (Historic American Buildings Survey) and HR/MM-1.2 (Connell House Web Page), both of which have been complied with prior to the hearing for PLN240077.

c) Issues that were analyzed in the EIR include Aesthetics, Agricultural Resources, Archaeological Resources, Air Quality

and Greenhouse Gases, Biological Resources, Geology, Seismicity, and Soils, Hazards and Hazardous Materials, Historical Resources, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Paleontological Resources, Population and Housing, Public Services, Utilities, Recreation, and Transportation and Traffic. The EIR identified potential impacts that would be less than significant or could be mitigated to a less than significant level associated with all topics, except impacts to Historical Resources, which cannot be mitigated to less than significant levels if a project that involved demolition is chosen. As described in these findings and in the EIR, mitigation measures that avoid or substantially lessen the impacts to Aesthetics, Archaeological Resources, Air Quality and Greenhouse Gases, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise have been incorporated. For the impact identified as significant and unavoidable, all feasible mitigation measures have been incorporated, but even with such mitigation, the impacts remain significant.

d) The subject property contains coastal dune habitat and wetland habitat. In accordance with CIP section 20.147.040.B, a Biological Resource Assessment and Supplemental Biological Resources Assessment was prepared (Michael Zander, June 8, 2010 and June 23, 2011, HCD Library File No. LIB100396). Based on those reports, potential impacts were evaluated in the project EIR. The EIR recommended restoration actions for the original project scope, which was a much larger house that was found to have direct and indirect impacts on biological resources. The EIR found that the Reduced Project Alternative would not impact a significant amount of ESHA. Thus, Board Resolution Nos. 23-236 (EIR) and 23-237 (Approval of a conceptual Reduced Project Alternative) found BIO/MM-3.9 (Offsite restoration of sand dune habitat) extraneous, and both it and its monitoring action BIO/MMA-3.9.1 were removed.

   A Coastal Administrative Permit was approved with voluntary restoration of approximately 1.67 acres of sand dune habitat on the project site and monitoring the restoration success for five years. Mitigation measures applied to the Combined Development Permit (PLN100338) accomplish the restoration and avoidance of impacts to biological resources through BIO/MM-2.1 (Restoration Monitor Funding Agreement), BIO/MM-2.2 (Environmental Awareness Training), BIO/MM-2.3 (Surveys for California Legless Lizard and Other Reptiles), BIO/MM-2.4 (California Legless Lizard Best Management Practices, “BMPs”), BIO/MM-2.5 (Nesting Bird Survey and Buffer Zone), BIO/MM-2.6 (Active Bird Nest Buffer), BIO/MM-3.1 (Conservation and Scenic Easement), BIO/MM-3.2 (Dune Restoration Plan Bond), BIO/MM-3.3 (Monitoring

Contract), BIO/MM-3.4 (Fencing that Excludes Adjacent ESHA), BIO/MM-3.5 (Stockpiles and Staging Areas BMPs), BIO/MM-3.6 (Control Stormwater or Wastewater Outfall), BIO/MM-3.7 (Plant Species Landscape Plan), BIO/MM-3.8 (Landscape Plan Substrates), BIO/MM-4.1 (100-FT Buffer Zone from Juncus Articus Herbaceous Alliance Vegetation), and BIO/MM-4.2 (Coastal Wetland Perimeter Flagging). Conditions applied to the previous permit (PLN100338) for potential impacts to biological resources required actions that have begun and will continue to be implemented. See also Finding 6, Evidence "f."

e) The subject property is in a high archaeological resource sensitivity area. In accordance with CIP section 20.147.080.B, a Phase 1 Archaeological Report was prepared (Doane and Breschini, February 2, 2012, HCD Library File No. LIB100397). Due to the project's proximity to known archaeological and tribal cultural resources, the EIR prepared for PLN100338 recommended measures for avoidance of impacts on cultural and tribal cultural resources. The development entitled under PLN100338 included Mitigation Measures that required archaeological resource/artifact training for construction personnel (AR/MM-1.1), an onsite archaeological monitoring plan to be developed (AR/MM-1.2) with active monitoring (AR/MM-1.3) and directed action if human remains are exposed during construction (AR/MM-2.1). Conditions applied to the previous permit (PLN100338) for potential impacts to cultural and tribal cultural resources required actions that will be implemented; no further mitigation is required.

f) As described in Finding 10, Evidence "k," the Applicant appealed the decision by the Planning Commission to augment the Conservation and Scenic Easement (CSE) from Board of Supervisors Reso. No. 23-237 Condition No. 23 to an easement on every square foot of sand dune and landscaping on the parcel (up to the building/driveway). Condition No. 23 was for a CSE to be required on the restored area of the parcel in 2:1 ratio to the area impacted by development (including construction impacts). As described in Finding 1, Evidence "k," the Applicant offered to update Condition No. 23 to a CSE that would cover all the areas proposed for dune scrub restoration as shown in Figures 2-3 and 4.2-2 of the EIR, 1.67 acres of the subject parcel. The enlargement of the CSE Deed (CSED) to the whole restoration area would ensure long term protection of sand dune ESHA.
By updating the size of the CSED to 1.67 acres, Mitigation Measure BIO/MM-3.1 identified by the EIR for Full-sized Project is utilized by this permit decision and therefore recirculation is not required.

g) Mitigation Measures applied to PLN100338 include those mentioned above for Biological Resources, Aesthetics,

Archaeological and Tribal Cultural Resources, as well as for Air Quality (AQ/GHG/MM-1.1 and AQ/GHG/MM-1.2), Geology and Soils (GEO/MM-1.1), Hazards and Hazardous Materials (HAZ/MM-1.1, HAZ/MM-1.2 and HAZ/MM-1.3) Hydrology and Water Quality (HYD/MM-1.1 and HYD/MM-2.1) and Noise (NOI/MM-1.1).

h) The Proposed Project is consistent with the FEIR. No new review is needed. None of the conditions described in section 15162 that would trigger preparation of a subsequent EIR have occurred. No new information of significant impacts or exacerbated existing impacts has been presented. Moreover, the EIR analyzed the potential impacts of residential development of the lot including removal of several trees and up to 10,008 square feet of structural and hardscape improvements. The Proposed Project includes approximately 6,340 square feet of structural and hardscape improvements and relocation of two trees.

i) The EIR examined eight alternatives and one "no project" alternative to the original project and evaluated them separately, comparing their potential impacts to those of the originally proposed project. This Design Approval is the Reduced Project alternative, Alternative 6. The Proposed Project design is smaller than the project considered in the EIR prepared for PLN100338 in all ways. The original project was 11,933 square feet and two stories with 1,950 square feet of paved areas for a total impervious lot coverage of 10.6 percent. The proposed design lessens building site coverage from 8,058 square feet (8.5 percent) to 4,122 square feet (4.4 percent), lessens Floor Area Ratio from 11,933 square feet (12.6 percent) to approximately 7,690 square feet (8.15 percent), and decreases the combined pervious and impervious coverage by 36 percent (from 10,008 square feet to approximately 6,340 square feet).

   The original project's maximum height was 30 feet from Average Natural Grade (ANG), while the PLN240077 proposed height is a flat roof that reaches 22 and 25.5 feet from ANG. This Project's proposed maximum height is 4.5 feet less than the original project considered in the EIR. Ridgeline Development was discussed in the EIR in relation to the original project and the alternatives. As discussed in the EIR, the ridgeline effect that would potentially occur under the reduced alternative project is minimized by a reduced roofline. The EIR did not specify by how much the roofline would be reduced for Alternative 6 but stated that the height would need to avoid ridgeline effects. The proposed height will avoid "ridgeline development" as verified by staff at a site inspection on August 5, 2024. Therefore, the Proposed Project meets the EIR's description of a Reduced Project Alternative to the original project.

8. FINDING: **PUBLIC ACCESS** – The Proposed Project conforms with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and applicable Local Coastal Program, and will not interfere with any form of historic public use or trust rights.

EVIDENCE:

a) No public access is required as part of the Proposed Project, as no substantial adverse impact on access, either individually or cumulatively, as described in Del Monte Forest Area CIP section 20.147.130, can be demonstrated.

b) No evidence or documentation has been submitted or found showing historic public use or trust rights over this property.

c) The subject property is not in an area in which the Local Coastal Program requires physical public access (Figure 8, Major Public Access and Recreational Facilities, in the Del Monte Forest Area LUP).

d) The subject project parcel is in an area where the Local Coastal Program requires visual public access (Figure 3, Visual Resources, in the Del Monte Forest Area LUP) and CIP 20.147.070.

e) Based on the project location among large trees, more planned vegetative screening, planned restoration of sand dune habitat, and its topographical relationship to most visual public access points in the area, the development proposal will not interfere with visual access along 17-Mile Drive or from Point Lobos. The proposed design is consistent with CIP section 20.147.070.B.5, in that the placement is on the least visible portion of the property (from 17 Mile Drive) and that it utilizes non-invasive native vegetation to help provide visual compatibility with the area. Consistent with Del Monte Forest Area LUP Policies 123 and 137, the proposed development, as mitigated and conditioned, will neither block significant public views toward the ocean nor adversely impact the public viewshed or scenic character in the project vicinity.

f) In certifying the Final EIR, the Board of Supervisors concluded, in concept, that Alternative 6 (Reduced Project) avoids significant adverse impacts on public views and the scenic character (Board Resolution No. 23-236).

g) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File No. PLN240077.

9. FINDING: **VARIANCE –** The Board of Supervisors finds that this project is a Design Approval in conformance with the Alternative 6 Reduced Project concept approved with a Combined Development Permit by the Board of Supervisors with Resolution No. 23-237. By adhering to the direction of the Board to remain within the building footprint of the Connell House, the

project is constructed within the 30-foot front setback. Therefore, a variance to Coastal Zone Low Density Residential (LDR) setback regulations (Title 20 section 20.14.060) is necessary and was requested. Title 20 section 20.78.040 sets forth three criteria to grant a variance: 1) that, because of special circumstances strict application of zoning rules would "deprive" the property "of privileges enjoyed by other properties in the vicinity and under identical zoning classifications"; 2) granting the variance would not "constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity" and zoning district; and 3) granting the variance would not authorize a use or activity "not otherwise expressly authorized by" applicable zoning. Here, as set forth below, these criteria are met.

EVIDENCE:

a) Special circumstances apply to the subject parcel, as the parcel is entirely within sand dune in the Signal Hill enclave of the Del Monte Forest planning area. If the project were to be sited entirely out of the front setback, it would convert additional sand dune to development. Sand dune is environmentally sensitive habitat area (ESHA), as discussed in the project EIR and related project Board of Supervisors Resolution Nos. 23-236 and 23-237. Requiring the project to adhere to a 30-foot front setback would conflict with this, a special project circumstance satisfies Title 20 section 20.78.040's first criterion required to obtain a variance.

b) The granting of this Variance does not constitute a special privilege for the property owner inconsistent with the limitations upon other properties in the vicinity and zoning district because the requirement to build within the building footprint of the Connell House was Board of Supervisors direction to the property owner/developer. The property owner was prepared to reconstruct within the required yard regulations. The Board's direction could have been a limitation on any property in the Signal Hill enclave of Del Monte Forest planning area.

c) The proposed single family dwelling is a use allowed in the LDR Zoning District. This Variance applies to the front setback for an allowed use and does not authorize a use that is inconsistent with the LDR zoning district. This satisfies Title 20 section 20.78.040's third criterion required to obtain a variance.

10. FINDING: **APPEAL –** Pursuant to County of Monterey Code section 20.86.030, Sam Reeves, AMAP, and Massy Mehdipour separately and timely appealed the Planning Commission's April 30, 2025 decision approving the Design Approval, Coastal Development Permit, and Variance. Upon consideration of the written and documentary evidence, the staff report, oral testimony, other evidence presented, and the administrative record as a whole, the Board finds some merit to the Reeves and AMAP contentions. The Board also finds the Mehdipour appeal to have merit. The Board's reasoning and response to the

summarized contentions follows. Copies of the appeals and itemized responses prepared by staff, but which the Board hereby adopts and incorporates into this Resolution, are Attachment C to the staff report for the July 8, 2025, and August 26, 2025 Board of Supervisors hearings.

EVIDENCE: a) Appellant Reeves contends that Applicant and staff made numerous misstatements of the fact in the application, concerning past actions, and as to the Board's decision; these Appellants remarked on the perceived misstatements and contend that they were not corrected as part of the Planning Commission hearing.

County's response: Staff has corrected an error in calculations of the square footage of neighborhood homes in the staff report and presentation for the July 8, 2025 hearing. The history of tree removal and the proposed tree relocation were also clarified and addressed (See Finding 4).

b) Appellants Reeves contends that public comment during the hearing was not memorialized in Finding 1.

County's response: The appellant is correct. Post-hearing edits should have been made. This hearing is *de novo* and testimony received in the hearing will be noted in the final resolution.

c) Appellants Reeves and AMAP contend that there are numerous factual errors in the Resolution, including the following bulleted items:

- Finding 1, b equated the proposed project with Alternative 6, and the appellant found that not to be correct, based on a line taken from the Combined Development Permit Board Resolution No. 23-037 [*sic*] Finding 1.

County's response: This contention has some merit. The Board decision in June of 2023 (Resolution No. 23-237 stated, in relevant part:

"4) *Approve a Coastal Development Permit for the "Reduced Project" (Alternative 6 of the Final EIR) consisting of:*
a) Coastal Administrative Permit to allow the demolition of an existing 4,124 square foot single family residence;
b) Coastal Administrative Permit for the construction of a new single-family residence of similar size, in concept, as the existing residence;
c) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat;
d) Coastal Development Permit for development on slopes exceeding 30 percent;
e) Coastal Development Permit for development within 750 feet of a known archeological resources;"

The description of Alternative 6 of the EIR describes a new residence that is in the "footprint" of the former Connell House and that is at a height that does not result in "ridgeline development." Subjection b

of the action describes “construction of a new single-family residence of a similar size as the existing residence.”

The decision in the 2023 Board Resolution references the Reduced Project Alternative from the EIR. This Alternative was chosen to reduce impacts on Environmentally Sensitive Habitat (native sand dune) by keeping the new house footprint in the footprint of the Connell House and it reduces Visual Impacts by limiting the height of the new house so that the new house would not be considered “ridgeline” development. The description of the Coastal Administrative Permit for the new house being of a similar size to the existing house was “in concept” and the driving factors were avoidance and minimization of impacts on the resources as described in the Reduced Project alternative.

The house design reviewed by the Planning Commission was not in the exact footprint of the Connell House. Instead, the Applicant proposed to develop the front courtyard area in exchange for leaving an area that will be left undeveloped in the rear yard. The front courtyard of the Connell House had a paved patio and landscaping flanked on three sides by the U-shaped house (the front courtyard). The Applicant proposed to fill in the front courtyard which included an area that was covered by a concrete patio (hardscape) and an additional area beyond the patio. In exchange for adding to the footprint in the courtyard area, the Applicant proposed to leave a smaller area of the northwest corner and area adjacent to the former courtyard of the Connell House footprint undeveloped.

On July 8, 2025, the Board of Supervisors considered the proposed project and the appeals of the Planning Commission’s approval. At the conclusion of the hearing on July 8, 2025, the Board continued the hearing to August 26, 2025 with direction to staff to prepare a resolution reiterating the June 27, 2023 decision.

After the July 8, 2025 Board hearing, the applicant submitted a revised design with a request that this revised design be considered by the Board as an alternative to the motion of intent approved on July 8. The revised design eliminates portions of the prior proposal that were not within the footprint of the Connell House and slightly reduces the size of the new home. The new design is within the footprint of the former Connell House and is consistent with the description of Alternative 6 of the EIR.

Past references to the size of the Connell house in the EIR and the Board Resolution 23-237 indicated that the house was 4,124 square feet in size. It is acknowledged that the size quoted in those documents were estimates based on information available

at the time. No survey of the existing house was available as the basis for these estimates. Submitted with the application for the new house was a plan prepared by Whiston Engineers showing the footprint of the Connell House to be 4,630 square feet. Staff reviewed the plans and determined that this calculation appears to include the footprint of the house from a bird's eye view which includes roof overhangs and decks. The prior estimate of square footage was based on the size of the Connell House, not including roof overhangs and decks, so two different things were being measured. However, the Board finds this contention has merit and, therefore, requires the proposed design be modified to further reduce development.

Submitted with the recent resubmittal for the new house Design Approval is a plan prepared by Whiston Engineers showing the footprint of the Connell House to be 4,910 square feet. Staff has reviewed the supporting evaluation by Whitson with the proposed plans and determined that this calculation appears to include the structural footprint of the house, including the lower level of the Connell House.

- Staff presented a new structural footprint, not the same structural footprint of the Connell House.

County's response: The previously proposed structure included a footprint that extended beyond the footprint of the Connell House in the front courtyard area. The proposal involved occupying the area within the front courtyard in exchange for leaving sections of the former house footprint undeveloped, primarily in the rear (northwest) corner. The applicant requested the ability to exchange the area of development to accommodate a new house design that is not exactly the same as the former U-shaped house design. The Board gave the Applicant stronger direction to stay within the structural footprint in the July 8, 2025 hearing. Therefore, this appeal contention has some merit.

- Finding 1, Evidence l: "the height, flat roof, and use of natural colors and materials help blend the development into the surrounding environment (existing sand dune and trees around the site)." LUP Policy 51 is described, and the Proposed Project is discussed as if it is consistent with the policy. Appellant argues the evidence is to the contrary because the Proposed Project is larger than existing dwellings in the Signal Hill enclave.

County's response: Finding 1, Evidence "m" includes straightforward clear statements, no changes are required. The siting and use of colors, materials, and landscaping will meet LUP Policy 51. LUP Policy 51 does not require new

construction to match other construction in the area. The project is situated where the Board required it to be sited.

Additionally, the County certified an EIR for the project, discussed the potential impacts to Aesthetic Resources, and concluded that the project, as mitigated by habitat restoration and permanent maintenance and tree replacements, would result in a less-than-significant impacts.

- County mistakenly identified two trees in front of the house as significantly pruned trees, which were part of the violations which PLN100418 addressed. The relocation of T4, TS, and T12 will not screen the view of this project from the common public viewing areas of Seventeen Mile Drive and Fanshell Beach.

County response: There are two different tree removal/relocation permits at issue.

First, in 2009, a code enforcement case (CE090288) was initiated as a result of applicant's unpermitted tree removal of 2 large Cypress trees. To address that code enforcement case, a Tree Resource Evaluation/Construction/Impact Analysis was prepared by a certified arborist in October 2010 (LIB100394). The report evaluated the eight trees on the site (7 Cypress and 1 Eucalyptus) and documented that two Cypress trees were removed without a permit. Additionally, in December 2011, the arborist documented a cluster of three Cypress trees that had been "excessively pruned" and recommended a 5-year monitoring period for survivability of those trees. On February 5, 2013, the Board of Supervisors approved an after-the-fact permit for the tree removal and required restoration of the site, replanting 2 large Cypress trees to screen the house from views, and monitoring of the trimmed trees, as a condition of approval of that permit (Resolution No 13-021).

The applicant replanted the trees as required by the condition. One of the replacement trees, located west of the house, did not survive. That tree is required to be replanted again and monitored in accordance with the approved conditions. A second tree was replanted is south of the proposed house near the existing driveway. That tree survived and is alive today, however, that tree was also proposed to be relocated approximately 20 feet south with the application. Staff with expertise in the field found that the previously replanted tree did not need to be relocated, and the Applicant agreed to protect it in place. The trees that were trimmed have been monitored and have survived. The trimmed trees are subject to the conditions imposed as part of Resolution No 13-021 and are not the subject of the proposed new house design.

Included in the permit now before the Board (PLN240077), Applicant proposes to relocate two trees as part of the new construction. The two trees proposed for relocation would be moved a few feet from their current location (in the front yard) so that they would continue to provide screening when viewed from Signal Hill Road and they will still provide a tree-lined backdrop to the house when viewed from 17 Mile Drive.

d) Appellant Reeves contends that was a factual error in the Resolution in Finding 6. Evidence b, which discussed the historic status of the Connell House. The appellant would prefer the evidence to clarify the reason that the house was not listed locally.
County response: The County Code does not allow the Historic Resources Review Board to list an historic resource on the County's local register without property owner permission. The evidence does not misconstrue the establishment of the Connell House as an historic resource at the levels that it was listed. This point is irrelevant to the decision at hand. Demolition of the Connell House was evaluated in the EIR, approved by the Board of Supervisors, and the house has been demolished.

e) Appellant Reeves contends that County should not have decided on a variance without noticing a variance as requested as part of the entitlements sought by the project and reviewed at the hearing.
County's response: Staff acknowledges that no notice was given for consideration of a variance by the Planning Commission. The request for a variance has been included as part of the notice for the Board hearings on these appeals. The variance is justified in this case because the Board of Supervisors, in adopting a resolution to conceptually approve a new house that reflects Alternative 6 of the EIR, limited the new development to occur within the footprint of the former residence. The footprint of the former residence was non-conforming to front setback requirements and rebuilding a home in the footprint would include new construction within the required front setback.

Additionally, new development within the footprint of the previous development limits impacts on sensitive habitat that would occur if the house was required to comply with the front setback requirements.

f) Appellants Reeves and AMAP contend that the project is inconsistent with the policies of the DMF LCP, particularly relating to visual resources.
County's response: The project has been reviewed and found to be consistent with the policies of the Del Monte Forest Land Use Plan.

g) Appellants Reeves and AMAP contend that the action of the Planning Commission fails to recognize that the Applicant failed to comply with the prior action by the Board of Supervisors for

PLN100418 to plant and maintain Monterey Cypress trees to screen the property from Seventeen Mile Drive and Fanshell Beach.
County's response: The contention raises an issue with tree removal that has been resolved through subsequent permitting and has ongoing condition compliance and monitoring requirements. The evidence in the condition compliance record for PLN100418 in the form of tree status reports prepared by a qualified arborist indicate that replacement trees failed due to fungus infections, not due to deliberate removal of healthy trees. The conditions of approval on that restoration permit included replanting in the case of tree failure. The Board applied Condition No. 16, Tree Replanting and Protection, which requires the owner to

". . . cause a 48-inch box Cypress tree to be planted in a location that will provide screening of the new development when viewed from Fanshell Beach and 17-Mile Drive. The tree shall replace the large Monterey Cypress tree which was previously removed from the property and was not successfully replanted per the after-the-fact Planning Permit (PLN100418, Reso. No. 13-021) to clear a code violation for tree removal (CE090788)."

This condition was discussed in the Planning Commission hearing on PLN240077, during Commission deliberations. The tree was not drawn into the arborist's tree replacement. The tree relocation and protection plan submitted with the PLN240077 application is different, as this arborist (James Allen) was contracted to assess tree relocations related to this permit. However, when the final landscaping plan is received pursuant to conditions of approval of PLN100338, all relocation and replanting shall be included in the plan for review and approval.

h) Appellant Reeves contends that the decision of the Planning Commission as described in Resolution 25-012 is contrary to the 2023 findings and decision of the Board of Supervisors: "Finding 1, evidence i: The Reduced Project is anticipated to be no taller or larger than the existing dwelling. A Design Approval shall ensure that colors and materials will blend with the natural surroundings."
County response: This comment is essentially the same as appellant's contention listed as the second bullet in Finding 10, evidence "c." The consistency findings of the draft Board Resolution for PLN240077 are supported by substantial evidence.

i) Appellants Reeves and AMAP contend that the Proposed Project is too tall. Specifically, Reeves contends that the Proposed Project is not the height that was mentioned in the 2023 findings and decision of the Board of Supervisors in Finding 1, evidence m: "Maximum allowable height is 30 feet, and the Reduced Project maximum height is anticipated to be

approximately 22 feet from average." At 25.5' above natural grade it is higher than the 22' above natural grade described in the FEIR, staff reports and Board resolution. With a 30' high frontal view from Seventeen Mile Drive, it is 8 feet higher than the approximate 22' high frontal view of the Connell House.

County Response: This finding "anticipated" a height because no plans then existed. That language was not a constraint on Applicant. Rather, the new design has been reviewed for consistency with the adopted Local Coastal Plan regulations, the description of the reduced project alternative (Alternative 6) in the EIR, and the Board's direction to stay within the footprint of the Connell House. Alternative 6 was compared to the original house design which included a 11,993 square foot single-family dwelling. As a 7,690 square foot two-story single-family dwelling inclusive of a two-car garage, the new design is reduced in size from the original project. The proposed design is also approximately 4.5 feet shorter (25.5 feet tall) than the original design (30 feet tall). The proposed height will avoid "ridgeline development" which is the standard for measuring height in the "reduced project" Alternative, not a comparison with the height of the now demolished Connell House.

Ridgeline Development was discussed in the EIR in relation to the full height project and the alternatives. As discussed in the EIR, the ridgeline effect that would potentially occur under the reduced alternative project is minimized by a reduced roofline. The EIR did not specify by how much the roofline would be reduced for Alternative 6 but stated that the height would need to avoid ridgeline effects. The Reduced Height Alternative (9) entailed a maximum height of 25 feet from ANG to avoid ridgeline effects. The PLN240077 project design is approximately the same height as the Reduced Height Alternative. At 4.5 feet less than the original project's maximum height from ANG, any aesthetic impacts due to project height are mitigated by design, consistent with the EIR.

PLN240077 draft plans demonstrate most roof heights in the new design at approximately 22 feet ANG, with a great room reaching approximately 25.5 ANG. The view from Signal Hill Road is shown in the east elevation of the plans attached to the Board Resolution. From Signal Hill Road, the structure will appear to be 17.5 feet in height (a single-story development). The view from 17 Mile Drive is shown in the west elevation; the appellant is correct that the façade at its highest point would appear to be 30 feet high. However, County zoning codes measure from ANG and, in this case, the project design is approximately 4.5 feet less than the maximum allowable height from ANG.

j) Appellants Reeves and AMAP contend that the plans do not incorporate the replacement of trees required by the Board of Supervisors in their decision January 2013 decision on PLN100418.
County response: The contention is acknowledged. The Board finds that the replanted tree, which was required to be planted near the existing driveway by PLN100418, does not require relocation. The tree shall be retained. This is the tree that was required to be planted in accordance with the Board's prior decisions. The other tree that was required to be replanted was replanted, but did not survive. As required by the conditions of the prior approval, that tree must be replaced and monitored for survivability pursuant to the prior approvals. Neither that prior approval nor the second tree is proposed to be modified as part of this permit. Therefore, there was no need for the plans or conditions for the current proposal to incorporate prior tree planting that will be done on the property in relation to previously approved Board Resolution No. 23-237 and its conditions.

k) Appellant Mehdipour contends that Condition 10 of the Planning Commission resolution on PLN240077 was improperly modified without public noticing of the action. Appellant claims that it was not fair or impartial for Commissioners to suggest revising the Board's Resolution after public and applicant comment periods were closed, and that the Planning Commission lacked authority to contradict the Board's decision. Finally, Applicant maintains that the Planning Commission infringed on her rights by not returning to ask if they accepted the new easement.
County response: By attempting to enforce what the Commissioners saw as a closer consistency with the LUP, the Planning Commission purported to override an existing condition of approval that was approved by the Board. The Planning Commission has no authority to take that action. The purview of the Planning Commission was limited to reviewing the Project to satisfy Board direction and Design District/LUP criteria. Furthermore, it came up after the public hearing was closed and Applicant should have been allowed to respond to the addition. Finally, amendment to conditions of approval of PLN100338 was not agendized. For these reasons, the appeal by Applicant is upheld.

l) Coastal Commission. Pursuant to Title 20, section 20.86.080.A, the project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea (i.e., State Route/Highway 1).

DECISION

NOW, THEREFORE, based on the above findings and evidence and the administrative record as a whole, the Board of Supervisors does hereby take the following actions:

1) Partially uphold the appeals by Samuel Reeves and the Alliance of Monterey Area Preservations from the April 30, 2025 Planning Commission decision approving the Design Approval;
2) Uphold the appeal by Massy Mehdipour, Applicant, from the April 30, 2025 Planning Commission decision approving the Design Approval with Condition No. 10;
3) Consider the previously certified Final Environmental Impact Report (FEIR) (SCH#2015021054) for the Signal Hill LLC project, and find that the Proposed Project is consistent with Alternative 6 of the FEIR and does not warrant an addendum pursuant to CEQA Guidelines section 15162;
4) Approve a Design Approval for construction of an approximately 7,690 square foot two-story single-family dwelling inclusive of a two-car garage with colors and materials of light brown stucco body and black metal clad wood accents and a gravel roof that fulfills the requirements of the "Reduced Project," Alternative 6 of the Final EIR;
5) Approve a Coastal Development Permit to allow the relocation of two Cypress trees;
6) Approve a Variance for structural development in front setback; and
7) Amend Condition No. 23 of Resolution No. 23-237 to increase the conservation scenic easement for the project to 1.67-acre area (Condition No. 9).

All work must be in general conformance with the attached plans, and this approval is subject to 9 conditions of approval, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 26th day of August, 2025, upon motion of _____ seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION-MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES:

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

   Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

   Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from County of Monterey HCD-Planning and HCD-Building Services offices in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN240077

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Design Approval, Coastal Development Permit and Variance (PLN240077) allows construction of a 7,690 square foot two-story single family dwelling inclusive of a two car garage with colors and materials of light brown stucco body and black metal clad wood accents and a gravel roof that fulfills the requirements of the "Reduced Project" Alternative 6 of the Final EIR, relocation of two Cypress trees, a Variance for structural development within the front setback, and amends Condition No. 23 of PLN100338 to enlarge the conservation scenic easement to the 1.67 acre restoration area. The property is located at 1170 Signal Hill Road (Assessor's Parcel Number 008-261-007-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Design Approval, Coastal Development Permit for removal of two Cypress trees, a Variance to front setbacks, and an amendment to Condition No. 23 of PLN100338 (Resolution Number 25----) was approved by the Board of Supervisors for Assessor's Parcel Number 008-261-007-000 on August 26, 2025. The permit was granted subject to ten conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: Owner/Applicant agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code section 66474.9, defend, indemnify, and hold harmless the County of Monterey and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or or employees to attack, set aside, void, or annul this approval and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law. Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

(County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: This Indemnification Obligation binds Owner/Applicant from the date of approval of this discretionary development permit forward. Regardless, on written demand of the County County's Office, Owner/Applicant shall also execute and cause to be notarized an agreement to this effect. The County Counsel's Office shall send Owner/Applicant an indemnification agreement. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to the Office of the County Counsel for County's review and signature. Owner/Applicant shall then record such indemnification agreement with the County of Monterey Recorder's Office. Owner/Applicant shall be responsible for all costs required to comply with this paragraph including, but not limited to, notary costs and Recorder fees.

4. PD011(A) - TREE REMOVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

5. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of HCD - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to HCD - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

6. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD-Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning and HCD- Engineering Services for review and approval.

2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

7. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall relocate two trees approved for relocation as shown in the front of the proposed structure in the approved plans for the project. (The applicant shall also plant a 48-inch box Cypress tree of native stock as required by PLN100338/Board Resolution no. 23-237, which is not shown in these approved plans but is still required.)
A qualified Arborist shall be included in a preconstruction meeting and oversee the relocation of the two trees as shown in the approved plans and the replanting of the replacement tree pursuant to Condition No. 16 of Board Reso. no. 23-237. The arborist may require additional tree planting due to tree failure or to make up for lost canopy to screen the development. The replacement trees shall be Monterey cypress, 36-inch box size or larger. The trees may only be removed with the approval of a Coastal Development Permit. Monitoring for survival and vigor shall be implemented for a total of 5 years. This includes quarterly monitoring of the replacement trees by a Certified Arborist for 3 years and annual monitoring for minimum of 5 years, with replanting from Pebble Beach area Cypress stock, as needed. The applicant or applicant's representative shall implement the arborist recommendation(s) within one month of receiving the recommendation. If any relocated trees die, the applicant shall replace the tree(s) at standard County tree replacement ratios. Replacement tree(s) shall be located within the same general location as the tree being removed. (HCD - Planning)

Compliance or Monitoring Action to be Performed: A qualified Arborist shall be included in a preconstruction meeting. Applicant/Owner shall submit to HCD-Planning for review and approval a sign-in sheet from the preconstruction meeting that includes names and company information.

Prior to construction permit issuance, Applicant/Owner shall submit to HCD-Planning for review and approval a contract Scope of Work with a qualified Arborist that includes the requirements of this condition.

Qualified Arborist shall oversee and report on tree relocation activities, including photographs of the relocation of the trees. As evidence that this has been completed, Applicant/Owner shall submit an "as planted" plan prepared by a the arborist showing the location of the replacement trees, protective measures that have been installed, species, size and any irrigation/hand watering plan.
Qualified Arborist shall perform a monitoring program including at a minimum:
1) Quarterly monitoring inspections by qualified Arborist of all relocated/planted trees for a minimum of 3 years and annual inspections for a minimum of 2 additional years (total of 5 years monitoring).
2) A report by the arborist documenting the findings of each inspection shall be submitted to HCD-Planning for review and approval within one month of each inspection. The first quarterly inspection report for monitoring of trees is due 4 months after the relocation planting of the trees.
Should the monitoring reports conclude that replanting shall be required, replacement tree(s) from Pebble Beach Cypress tree stock shall be planted within the same general location as the tree(s) that failed. The applicant or applicant's representative shall implement the arborist recommendation(s) within one month of receiving the recommendation.

8. PDSP002: CONFORMANCE WITH CONDITIONS OF APPROVAL FOR PLN100338

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Per Condition No. 43 of PLN100338, a Mitigation Monitoring and Reporting Plan (MMRP) Agreement was prepared by staff and County Counsel, signed and notarized by the Applicant and the HCD Director, and recorded by the Applicant as County Document No. 2023029686. PLN240077, as permitted through Resolution No. 25-012, is related to the Combined Development Permit approved by the Board of Supervisors on June 27, 2023, with Board Resolution Nos. 23-036 and 23-037. Work authorized under this Permit must comply with the Conditions of Approval/Mitigation Monitoring and Reporting Plan for PLN100338, as memorialized in the MMRP Agreement prepared for PLN100338, Document No. 2023029686. This condition of approval memorializes that the Conditions of Approval/Mitigation Monitoring and Reporting Plan approved through those resolutions will continue as formalized in the MMRP Agreement, and this project and its conditions of approval are added to and in general conformance with them.

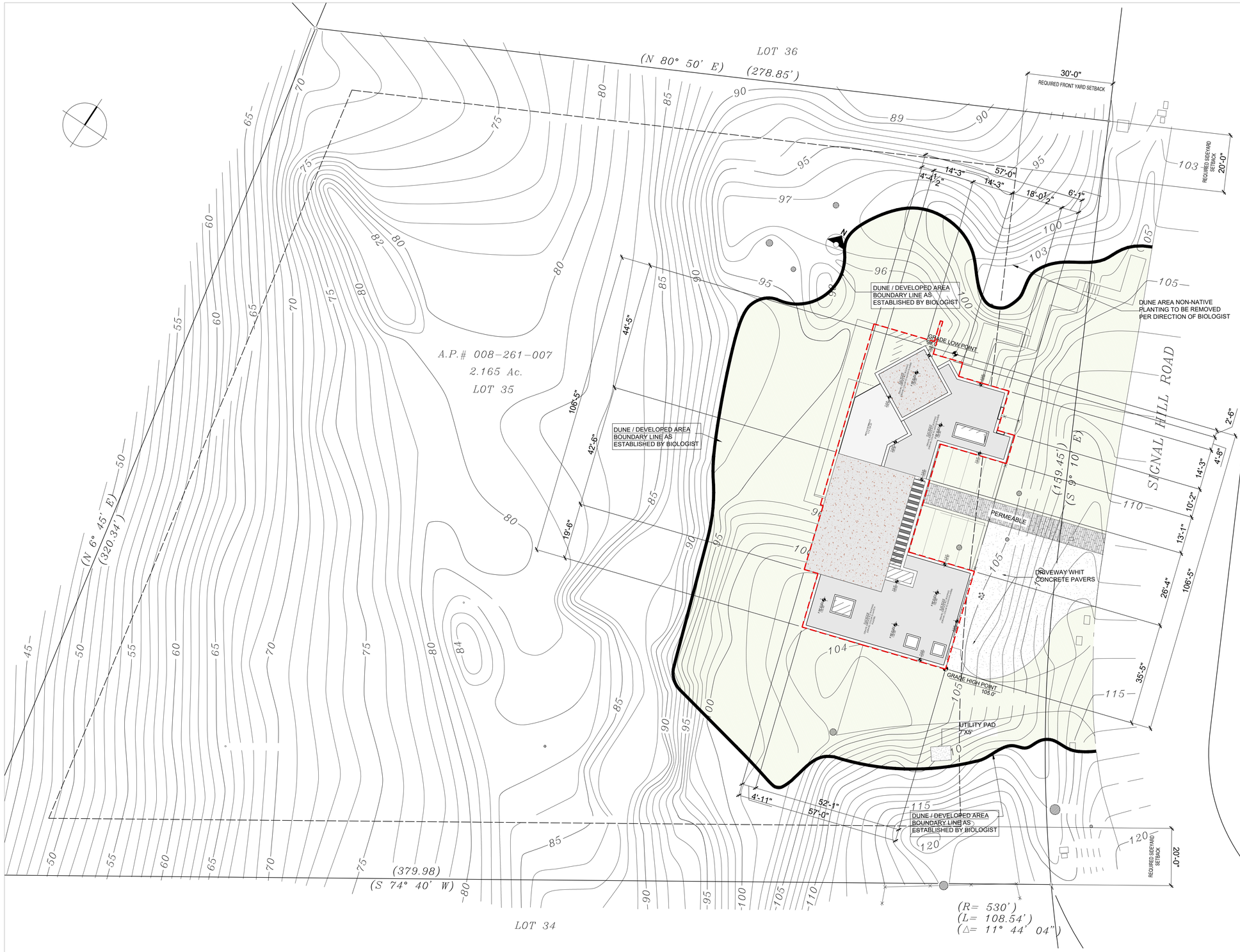
Compliance or Monitoring Action to be Performed: Comply with all COA herein and the Conditions of Approval/Mitigation Monitoring and Reporting Plan as formalized by the MMRP Agreement (County Document No. 2023029686).

9. PDSP003: CONSERVATION AND EASEMENT DEED (BIO/MM-3.1 FULL PROJECT)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of grading, or construction permits, and consistent with Del Monte Forest Land Use Plan Environmentally Sensitive Habitat Area Policies 13 and 17, the applicant shall permanently protect Environmentally Sensitive Habitat Areas located outside the construction area by establishing deed restrictions or a permanent open space conservation and scenic easement to be granted to the Del Monte Forest Foundation. The deed restrictions/easement shall encompass the 1.67-acre area proposed for dune scrub restoration shown in Figures 2-3 and 4.2-2. The restrictions shall designate the easement area as a native dune scrub restoration area and Environmentally Sensitive Habitat Area, where only habitat restoration and other resource dependent uses are permitted. The only deviations from such restrictions may be to repair existing sewer cleanouts and associated sewer pipes that are located in the area. The deed restrictions shall require any future work on the sewer cleanouts and associated piping to be monitored by a qualified biologist and all disturbance areas to be restored to central dune scrub habitat per the specifications put forth in the applicant's Dune Restoration Plan. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall submit to the County of Monterey HCD – Planning for review and approval a CSE exhibit (plat and legal description) that illustrates complete sand dune preservation where it is expected to be restored. The Deed shall allow habitat restoration and other resource dependent uses are permitted. Prior to final on construction permit, the applicant shall submit to the County of Monterey HCD – Planning a recorded easement reflecting compliance with this measure.



SITE PLAN SCALE. 1/16"=1'-0"

0 10 20 40 80

LEGAL DESCRIPTION:

SUBDIVISION:	EL PESCADERO RHO
PLANNING AREA:	GREATER MONTEREY PENINSULA
AREA PLAN:	DEL MONTE FOREST LAND USE PLAN
COUNTY FILE NUMBER:	PLN100338L
ADDRESS:	1170 SIGNAL HILL DRIVE PEBBLE BEACH, CA 93953
ACCESSOR'S PARCEL No.:	008-267-007
LOT No.:	35
ZONING:	LDR/1.5-D (CZ)
USE:	SINGLE FAMILY RESIDENTIAL

LOT COVERAGE

LOT SIZE: 2.165 Acres - (94,307 s.f.)

MAXIMUM ALLOWABLE BUILDING COVERAGE (per code):= 15%

94,307 s.f. X 15%= 14,146 s.f.

IMPERVIOUS LOT COVERAGE:

BUILDING FOOT PRINT.	4,122.00 s.f.
DRIVEWAY	1,838.00 s.f.
HARDSCAPE	
Terrace	378.00 s.f.
TOTAL:	6,338.00 s.f. = 6.72%

FLOOR AREA

MAXIMUM ALLOWABLE FLOOR AREA - (LDR/1.5D.): 17.5%

ALLOWABLE FLOOR AREA:

94,307 s.f.x 17.5% = 16,504 s.f.

PROPOSED FLOOR AREA / RADIO:

LOWER LEVEL:	3,591.29 s.f.
FIRST FLOOR (w/GARAGE:)	4,098.63 s.f.
TOTAL FLOOR AREA:	7,689.92 s.f./94,307 =8.15%

BUILDING HEIGHT

MAXIMUM ALLOWABLE HEIGHT - (LDR/1.5D.): 30 FEET

HEIGHT CALCULATION

HIGH POINT OF NATURAL GRADE:	105.00'
LOW POINT OF NATURAL GRADE:	98.00'
DIFERENCIAL:	7.00'

AVERAGE GRADE: 7.00'/2 = 3.5' + 98.0' = 101.50'

ACTUAL HEIGHT ELEVATION: 101.50' + 25.50 ' = 127.0'

TREE RELOCATION

2 TREES TO BE RELOCATED

GRADING CUT/FILL (see civil drawings)

CUT	780 CY
FILL	500 CY
EXPORT	280 CY

REQUIRED PARKING

REQUIRED PARKING FOR SINGLE FAMILY DWELLING: 2 CARS
PARKING SPOTS PROVIDED. 3 CARS

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GRADES.

- DIMENSION IN FEET.
- LEVELS IN FEET.
- NO DIMENSIONS WILL BE TAKEN TO THE SCALE OF THIS PLANE.
- THE DIMENSIONS ARE TO FINISHING CLOTHES.
- THE DATES AND SUBSEQUENT REVISIONS OF EACH MUST BE CONSULTED FLAT.
- THIS DRAWING MUST BE VERIFIED WITH THE CORRESPONDING INSTALLATIONS AND STRUCTURAL. ANY DISCREPANCIES SHOULD CONSULT WITH THE CONSTRUCTION MANAGEMENT.
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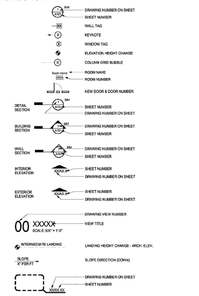
GENERAL/ CONSTRUCTION



PLAN KEY NOTES ⓧ -

REVISIONS

NO.	DESCRIPTION	DATE

LOCATION

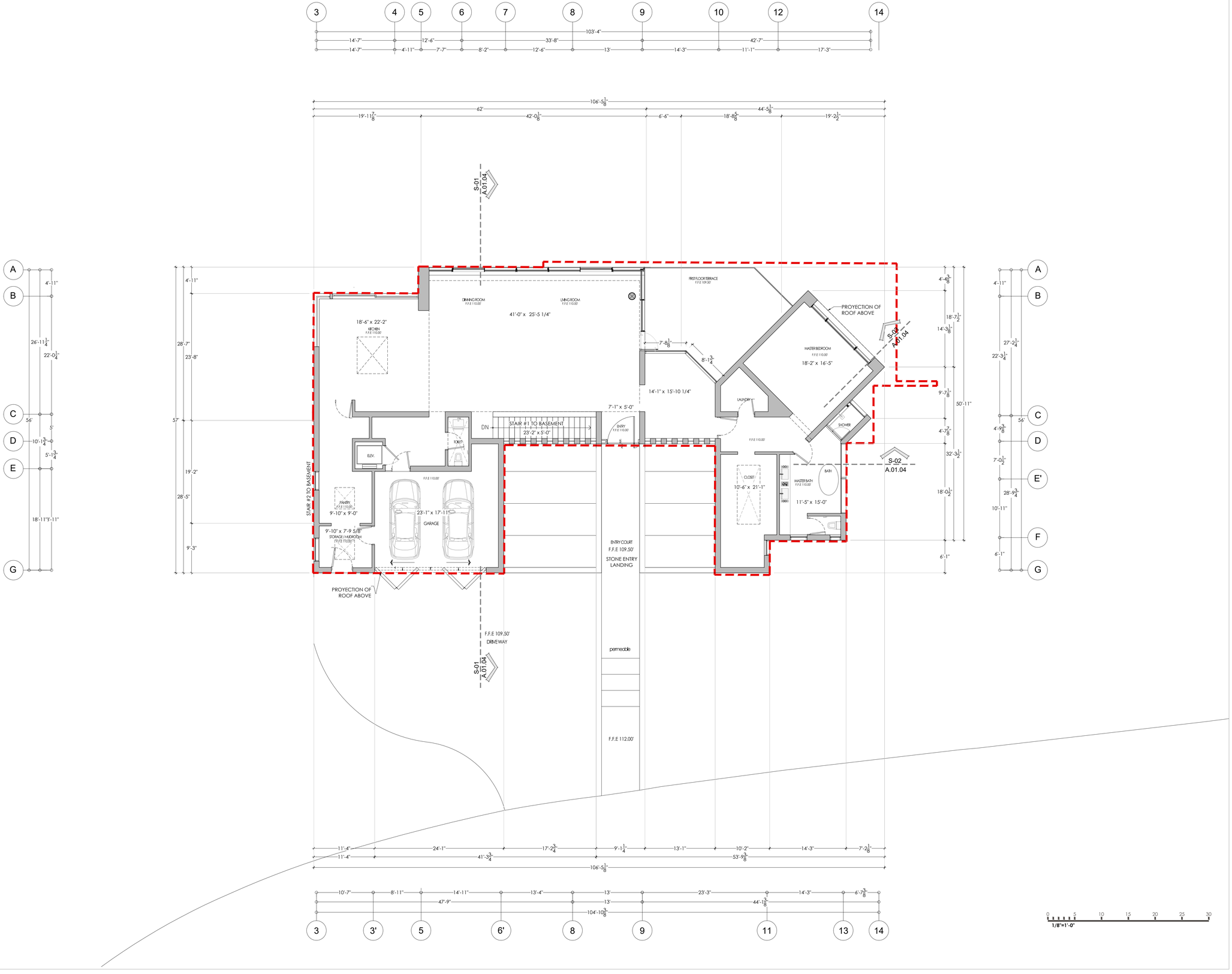
MASSY HOUSE

LOT No. 35
1170 SIGNAL HILL DRIVE
PEBBLE BEACH, CA 93953

SITE PLAN

SCALE	DATE
1/16"=1'-0"	8/11/25

A.00.01 SITE PLAN



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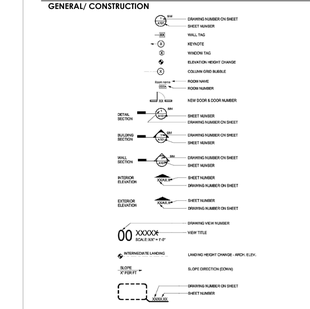


PLAN KEY NOTES ① -

REVISIONS

NO.	DESCRIPTION	DATE

LOCATION

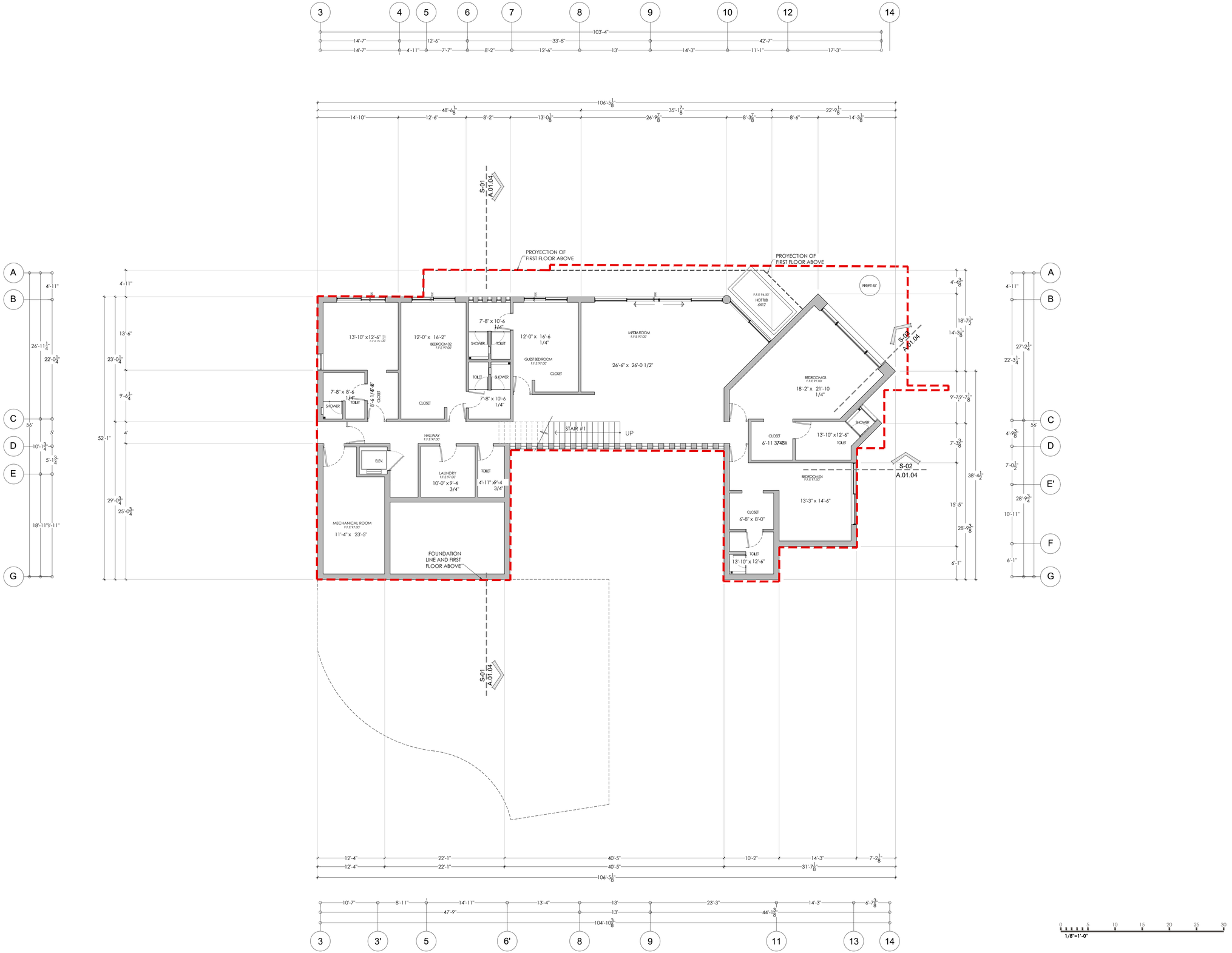
MASSY HOUSE

LOT No. 35
1170 SIGNAL HILL DRIVE
PEBBLE BEACH, CA 93953

ARCHITECTURAL PLAN
FIRST FLOOR

SCALE	DATE
1/8"=1'-0"	8/11/25

A.01.01 FIRST FLOOR



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GENERAL/ CONSTRUCTION

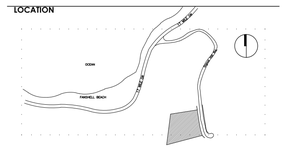
DRAWING NUMBER ON SHEET
SHEET NUMBER
WALL TAG
KEYNOTE
WINDOW TAG
ELEVATION HEIGHT CHANGE
COLUMN GRID BUBBLE
ROOM NAME
ROOM NUMBER
NEXT DOOR # DOOR NUMBER
DETAIL SECTION — SHEET NUMBER / DRAWING NUMBER ON SHEET
BUILDING SECTION — DRAWING NUMBER ON SHEET / SHEET NUMBER
WALL SECTION — DRAWING NUMBER ON SHEET / SHEET NUMBER
INTERIOR ELEVATION — SHEET NUMBER / DRAWING NUMBER ON SHEET
EXTERIOR ELEVATION — SHEET NUMBER / DRAWING NUMBER ON SHEET
DRAWING VIEW NUMBER
VIEW TITLE
INTERMEDIATE LANDING
LANDING HEIGHT CHANGE - ARCH. ELEV.
SLOPE DIRECTION (TOP/N)
DRAWING NUMBER ON SHEET
SHEET NUMBER

PLAN KEY NOTES ⓧ -

REVISIONS

NO.	DESCRIPTION	DATE

LOCATION



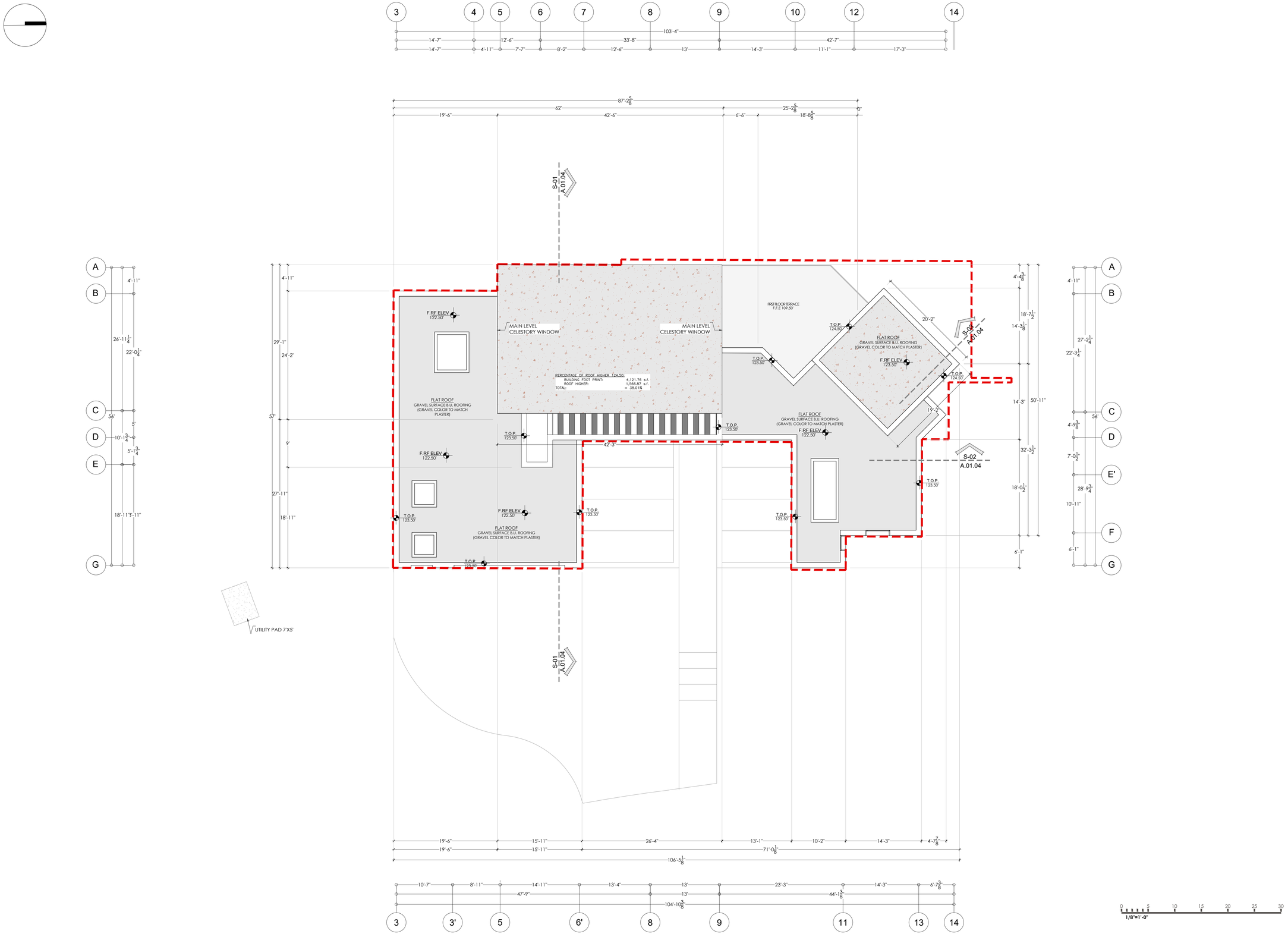
MASSY HOUSE

LOT No. 35
1170 SIGNAL HILL DRIVE
PEBBLE BEACH, CA 93953

ARCHITECTURAL PLAN
BASEMENT FLOOR

SCALE	DATE
1/8"=1'-0"	8/11/25

A.01.02 BASEMENT FLOOR



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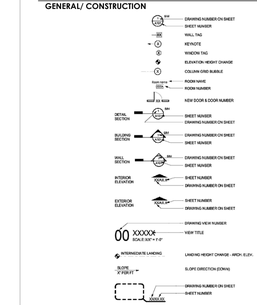
GENERAL/ CONSTRUCTION



PLAN KEY NOTES ⓧ -

REVISIONS

NO.	DESCRIPTION	DATE

LOCATION

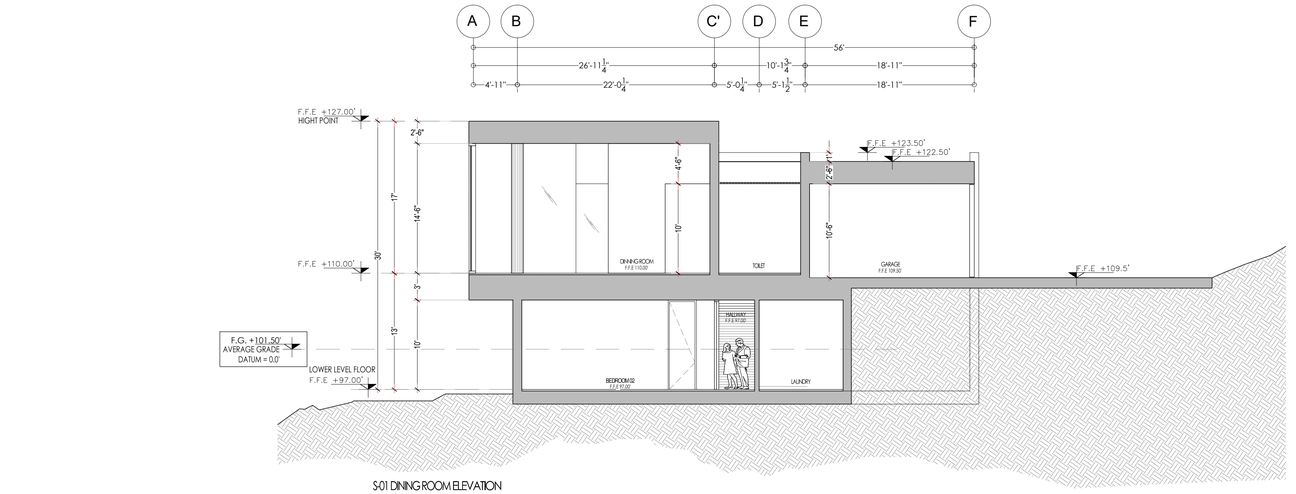
MASSY HOUSE

LOT No. 35
1170 SIGNAL HILL DRIVE
PEBBLE BEACH, CA 93953

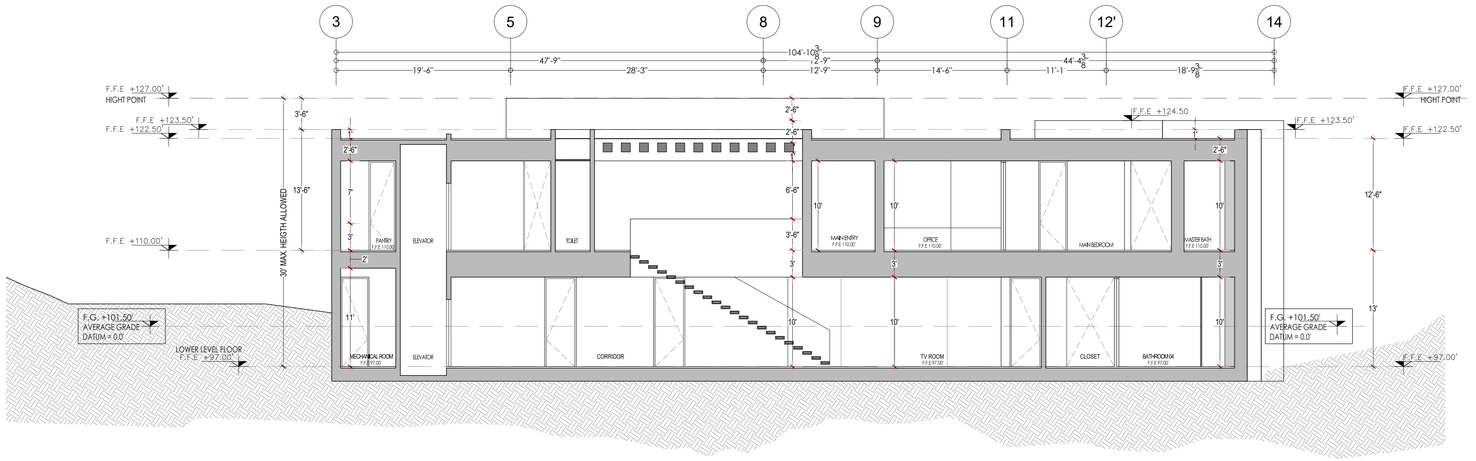
ARCHITECTURAL PLAN
ROOF PLAN

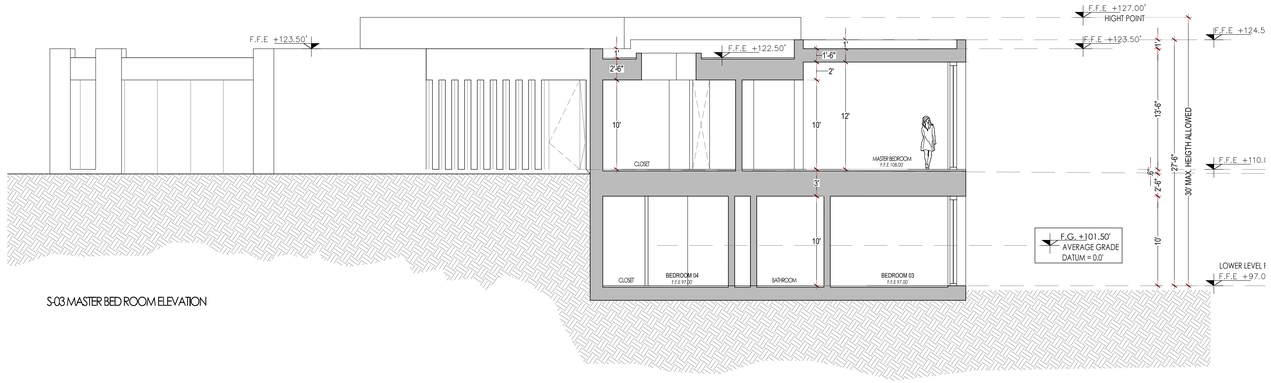
SCALE	DATE
1/8"=1'-0"	8/11/25

A.01.03 ROOF PLAN



S-01 DINNING ROOM ELEVATION





S-03 MASTER BED ROOM ELEVATION

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www.legorretalegorreta.com

GRADES.

- DIMENSION IN FEET.
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GENERAL/ CONSTRUCTION

PLAN KEY NOTES ⓧ -

REVISIONS

NO.	DESCRIPTION	DATE

LOCATION

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LOT No. 35
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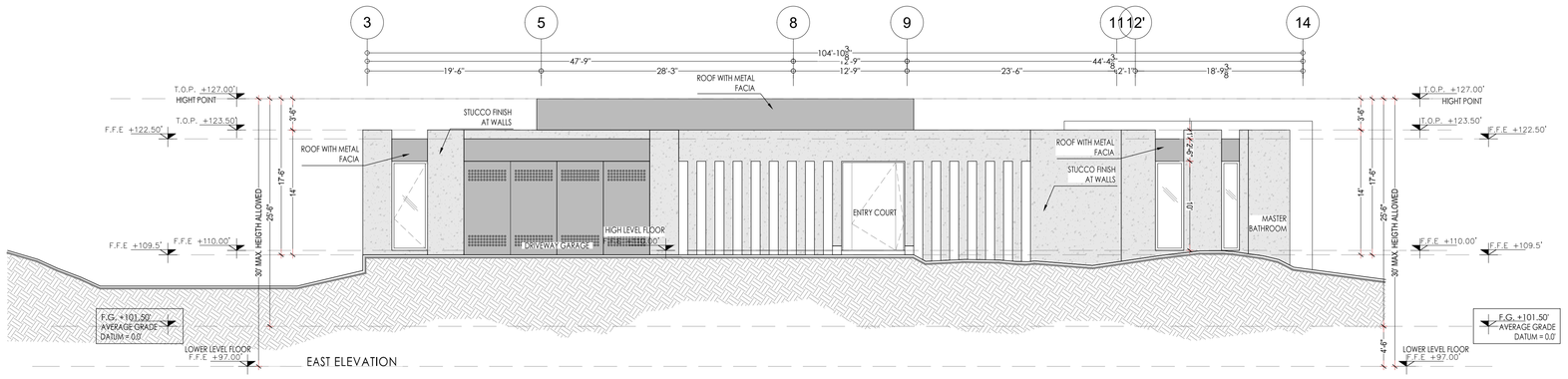
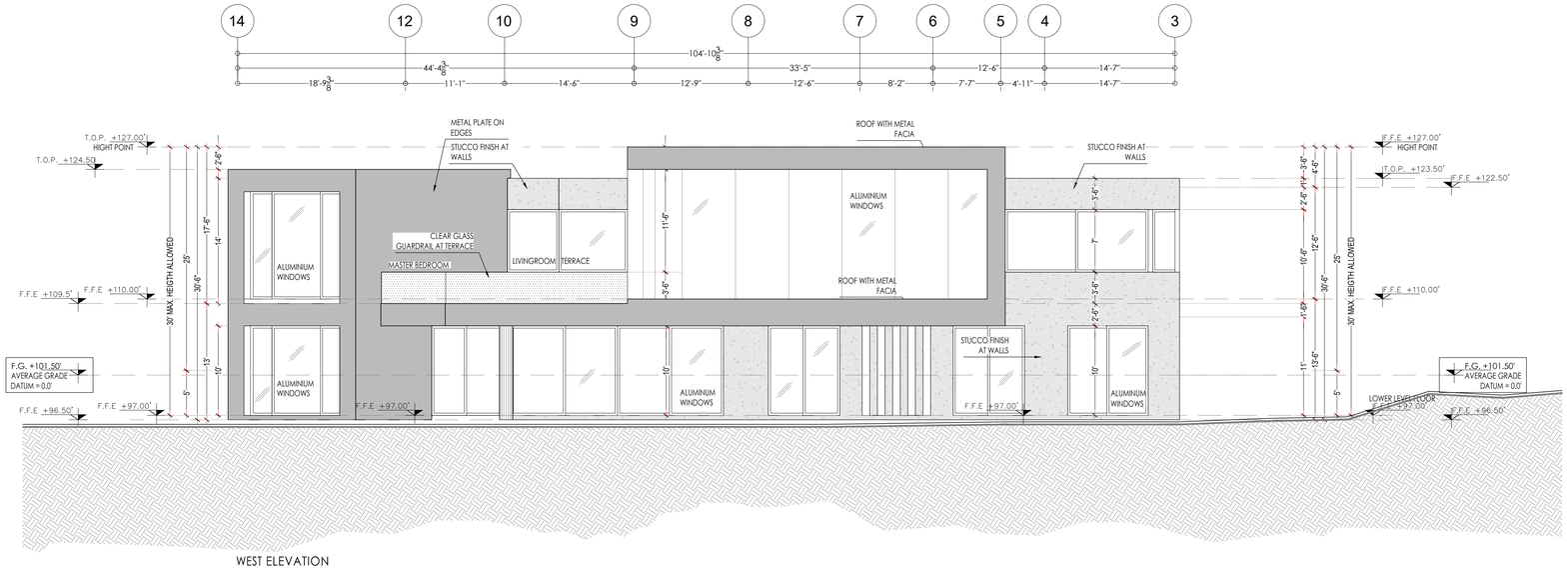
PEBBLE BEACH, CA 93953

ARCHITECTURAL PLAN
SECTIONS

SCALE	DATE
1/8"=1'-0"	8/12/25

A.01.04 SECTIONS





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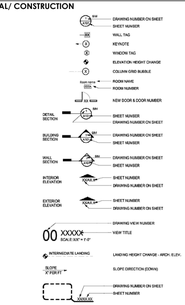

PLAN KEY NOTES ⓧ -

REVISIONS

NO.	DESCRIPTION	DATE

LOCATION

MASSY HOUSE

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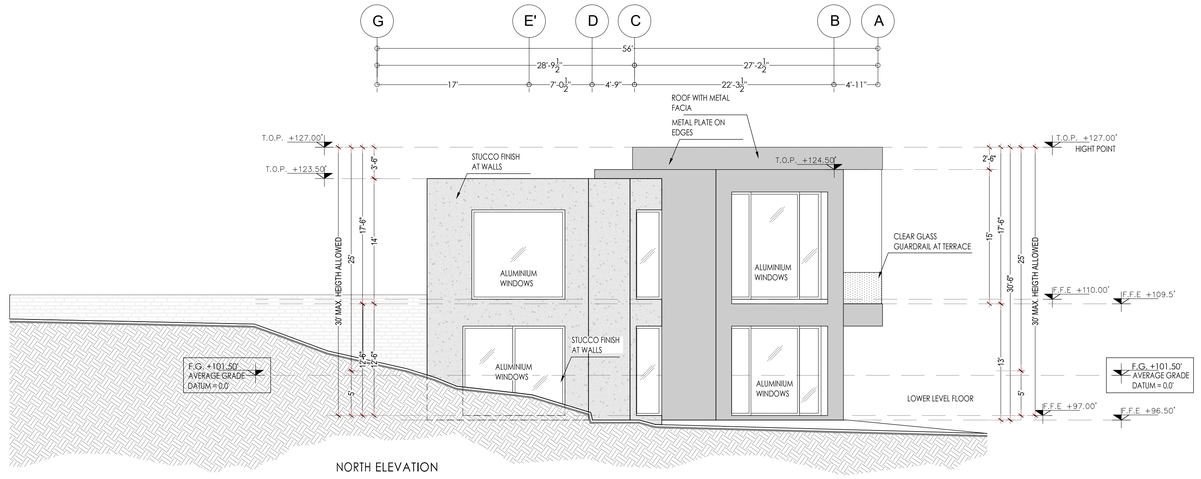
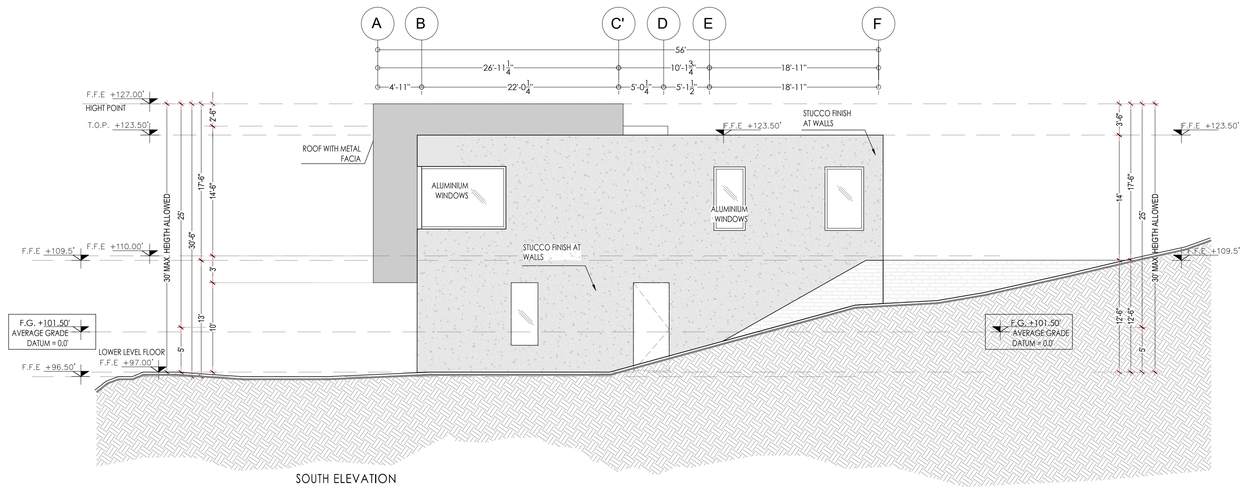
ARCHITECTURAL PLAN
ELEVATIONS

SCALE	DATE
1/8"=1'-0"	8/12/25

A.01.05 ELEVATIONS



NORTH ELEVATION



SOUTH ELEVATION

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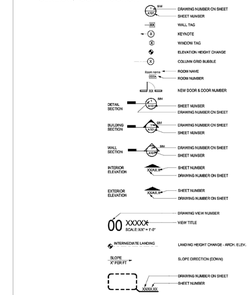
GENERAL/ CONSTRUCTION



PLAN KEY NOTES ⓧ -

REVISIONS

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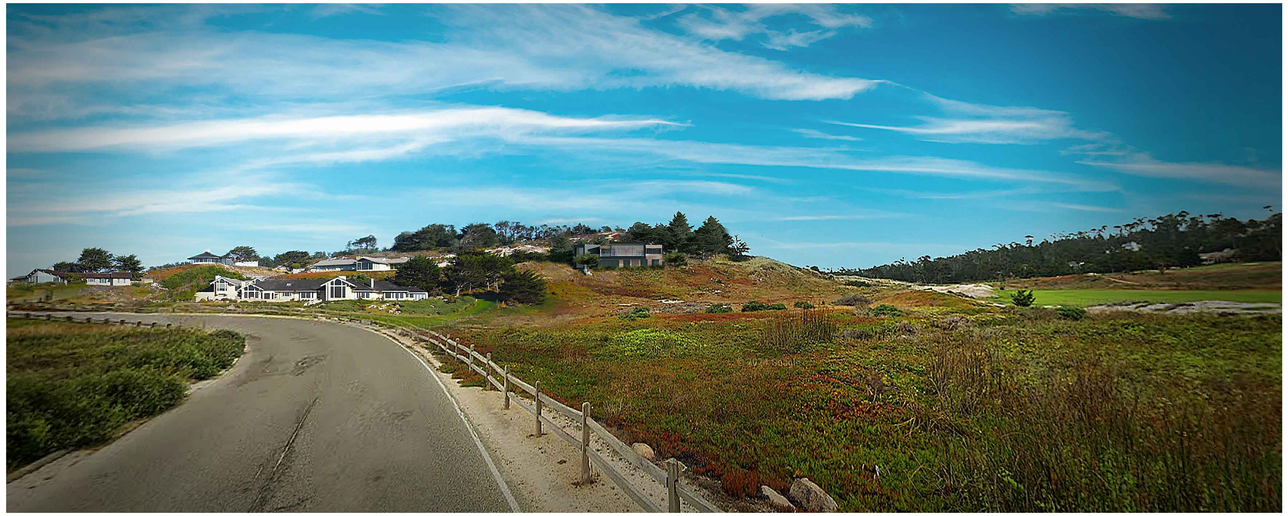
PEBBLE BEACH, CA 93953

ARCHITECTURAL PLAN
ELEVATIONS

SCALE	DATE
1/8"=1'-0"	8/12/25

A.01.06 ELEVATIONS



PROPOSED RESIDENCE

SIGNAL HILL RD VIEW

SIGNAL HILL RD VIEW

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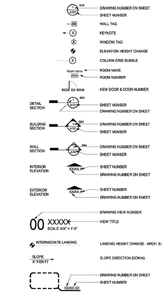

PLAN KEY NOTES ⊕ -

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PROPOSED RESIDENCE

SCALE	DATE
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A.00.03 RENDERS