

Stalking the big legal game

Attorney Tony Lombardo is a fierce hunter in the jungle of land-use law

By **JILL DUMAN**
and **ANDY ROSE**
Herald Staff Writers

Silently, the hunters file along the dirt path winding through the thick Zimbabwe brush, listening for any sound of big game. Suddenly, a lion springs out of nowhere and rushes straight for a woman in the party.

Calmly and quickly, Tony Lombardo raises his rifle and drops the beast.

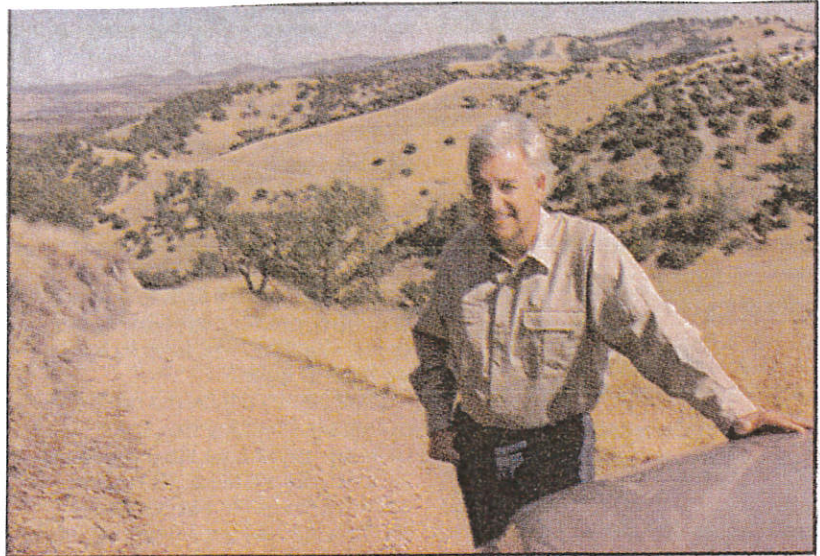
The Salinas-based development lawyer tells the story casually, but it illustrates the way he sees himself: nimble and fearless, a warrior in the jungle of land-use law.

"Someone once called me a paladin, a knight," said the 42-year-old Lombardo. "That's really what my job is, to stand up there and fight."

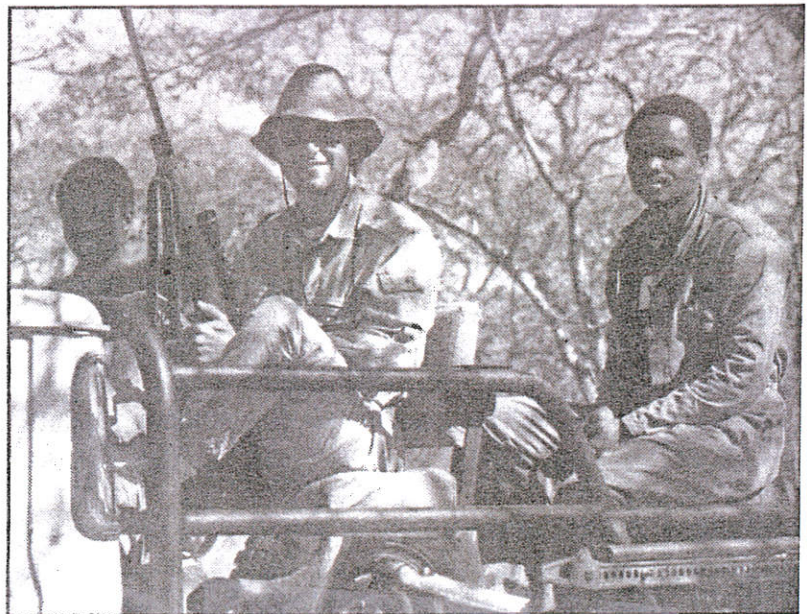
But if Lombardo is a modern-day knight, area environmentalists see him as a dark one, the Darth Vader of land use, who has made a career of representing some of the area's most controversial development projects while simultaneously developing relationships with the public officials charged with making the county's key land-use decisions.

His client list includes Clint Eastwood, who developed Mission Ranch, the Cañada Woods subdivision above Carmel Valley Road and the exclusive Tehama golf course; the Pebble Beach Co.; Woodman Development; and Los Angeles-based Kaufman and Broad, one of California's largest home builders.

His clients have also included two county supervisors, Lou Calcagno and Judy Pennycook. A third supervisor, Dave Potter, bought a house from Lombardo's mother and borrowed money from her for the down payment. Critics say Lombardo's carefully cultivated political connections have given him at the very least an unusual level of access.



CLAY PETERSEN/Special to The Herald
Land-use attorney Tony Lombardo stands on one of the narrow roads he cleared around his 10-square-mile ranch near Bradley.



Lombardo on African safari, circa 1990.

The supervisors themselves say their relationships with Lombardo have never clouded their judgment. All three have voted against Lombardo's clients on key issues. State officials say the relationships do not appear to violate any laws.

Even Lombardo's most ardent critics agree with his supporters that he is good at what he does, so good that his name has become almost synonymous with success in the high-stakes arena of Central Coast land development.

"He knows how to get things done," said Lombardo client Bill Parham of Pacific Septic Tank Service. Lombardo argued a case for Parham all the way up to a state appeals court, winning him the right to build a center for service vehicles in Carmel Valley.

"The planning department and the zoning department and the water agencies, they're so overburdened that they need reinforcement," Parham said. "It's exasperating when you personally try to call . . . You call Tony, he makes a phone call, and it's taken care of."

What makes Tony win?

Lombardo won legal victories against activists who wanted to stop the controversial construction of a house at Otter Cove. He enabled owners of the oceanfront Highlands Inn to secure permission to convert most of the hotel to timeshare units. He represented the Community Housing Improvement Systems and Planning Association, CHISPA, when it won the right to build 175 homes and 120 apartments in North Monterey County.

But Lombardo's record is not without some defeats. In 1999, Judge Richard Silver sided with environmentalists challenging an environmental impact report and a plan to swap water credits in the September Ranch case. Lombardo was the attorney on the losing side. In his ruling, Silver chastised Lombardo for his firm's practice of preparing "critical documents" for county planners.

That case was followed by a suit against Monterey County officials by Carmel Valley activist Patricia Bernardi, which included testimony from Lombardo acknowledging that

his firm had prepared numerous documents ostensibly written by county officials. Among the documents ghostwritten by Lombardo's firm were reports from planners, correspondence from county attorneys and even a resolution by the Board of Supervisors.

The litigation solidified anecdotal evidence that Lombardo enjoys unusual access to the inner workings of the county planning process.

Supporters of Lombardo say he earned his way to the top of a demanding profession through hard work and an encyclopedic knowledge of land-use law.

"He just doesn't lose any cases on issues related to CEQA (the California Environmental Quality Act)," said Mike Costa, a Long Beach developer who often uses Lombardo's services. "He gets behind and believes so much in what he's doing that his presentation is awesome."

But some credit Lombardo's success to the connections and name recognition he inherited from his father, Nick Lombardo, a golf course developer and former Monterey Peninsula Water District Board



Tony Lombardo tosses hay to his cattle on his ranch.

director — connections he nurtured through campaign contributions and back-room networking.

"Mr. Lombardo started with family influence and connections, and tapped into the world of aggressive developers," said Michael Stamp, an attorney who has opposed Lombardo on several land-use issues, including the Bernardi case.

"His skill has been in playing those interests, and in pushing them to the edge," said Stamp. "From there, he relies upon his ability to raise campaign funds for politicians. Republicans, Democrats, it doesn't matter. It's not really something they teach in law school. You almost have to be born into it."

Lombardo says he doesn't like being characterized as an influence peddler, a term, he says, that sounds "like kind of a dirty thing."

He also plays down the inheritance angle, acknowledging that his father's name helped open doors for him, but crediting his own long hours and hard work with carrying him from "the bottom of my class" in law school to the county's best-known land use attorney in less than two decades.

"You create your own luck by working hard," he said, "and success builds success."

From golf balls to land use

Anthony Louis Lombardo was born in Fresno in 1957, one year before his father opened his first golf course there. The Fig Garden links were carved out of the fields lining the San Joaquin River.

"Mr. Lombardo started with family influence and connections, and tapped into the world of aggressive developers. His skill has been in playing those interests, and in pushing them to the edge.

In 1963, the family moved to Monterey so Nick Lombardo could take over operations at the Del Monte Golf Course. When that lease expired in 1969, he built Rancho Cañada Golf Club in Carmel Valley. He developed a second course near Fresno and bought the Laguna Seca course in Monterey in 1979. At one time he held a long-term lease on a

course outside Watsonville and owned the Casa Munras Garden Hotel in downtown Monterey.

The elder Lombardo once presided over the Monterey Peninsula Chamber of Commerce and the Visitors and Convention Bureau. Perhaps more important, in an area where water is key to development, he served as chairman of the Monterey Peninsula Water Management Board in 1988 and 1989 after being elected on a platform favoring a dam on the Carmel River.

While he served on the water board, Nick Lombardo and some other Carmel Valley property owners negotiated a plan to secure more water for themselves, some of which Lombardo hoped to use for a hotel in Carmel Valley. The plan ran afoul of the Carmel Valley Property Owners Association and was scrapped.

Tony Lombardo said he saw little of his father while growing up. He was gone long hours and separated from Tony's mother when Tony was in high school. "He worked about 18 hours a day my whole life," said Tony Lombardo.

Reflecting on his childhood, Lombardo said he also cultivated different interests than his father, preferring hunting, fishing and ranching to golf. He remains an avid outdoorsman who spends his weekends on his 7,000-acre ranch near Bradley in southern Monterey County.

Lombardo's relationship with his father has been rocky at times, and those who watched him grow up say that life in the shadow of a demanding but distant father fueled the younger man's drive to succeed.

Lombardo said his father's limited role in his young life made him realize that he doesn't have time to commit to raising a child of his own, and he said that conclusion led to his recent divorce from Julie Culver Lombardo, a former Monterey County deputy district attorney.

Nick Lombardo introduced his son to the working world at age 14, giving Tony the chance to work for minimum wage at Rancho Cañada picking up the range, moving golf carts and cleaning toilets. Eventually he moved up to greenskeeper, then moved inside to work in the golf shop, taking greens fees and selling merchandise. The pay was low, but his father matched each dollar he saved, putting the money toward the used Corvette that Tony coveted.

"When he was hired, I told him, 'Never come up to me with any discussions regarding what happens in the department you're working for, because you're working for other people, not me,'" Nick Lombardo

said. Tony Lombardo agreed with that assessment: "I figured I had to work twice as hard as anyone else because I was the boss's son."

After graduating from Monterey's private York School, Lombardo went on to win a political science degree from the Jesuit-run Santa Clara University. He stayed on there for law school, hoping to become a prosecutor. But after passing the bar in 1982, he returned home to Monterey County and was "crestfallen" to find a hiring freeze at the District Attorney's Office.

Nick Lombardo came to the rescue and offered his son a job as a lawyer in a little office set up at Rancho Cañada. One of his jobs was representing his dad in a bid to get more water for the golf course.

Land-use lawyer

In 1983, a position opened up at Noland Hammerly Etienne & Hoss, a prestigious Salinas law firm where several other local land-use attorneys also got their starts. Lombardo spent 11 years with the firm, specializing in water and land-use issues and working for the first time with Clint Eastwood and the Carmel Development Co., which oversees most of Eastwood's projects.

"I kind of found my niche there," Lombardo said.

Lombardo was 37 when he left Nolan Hammerly in 1994 to become a sole practitioner. Slowly at first, he brought others into the firm, among them former Monterey County employees Derinda Messenger and Todd Bessire. In 1998, Lombardo & Associates became Lombardo & Gilles when Jeff Gilles, another Santa Clara University law school alum with strong agriculture connections, came on board.

Undue influence?

Over the years, Lombardo gained a reputation for his close working relationship with county officials. Just how close didn't become apparent until Bernardi's lawsuit. Among other things, county planners testified that Lombardo and other lawyers with his firm felt free to wander behind the counter at the Planning Department and to pressure them on behalf of clients.

Former planning supervisor Wes Arvig, now retired, says Lombardo was cordial, but insistent about getting applications through the planning process.

"I don't recall anyone continually going over my head when I gave them the final answer like he did," Arvig said.

Bernardi said she began delving into Lombardo's relationship with the county partly because she repeatedly saw him being treated with what seemed like too much deference at public hearings.

"He was allowed as much time as he wanted — no 10 minutes to do his presentation, no three minutes or five minutes. He was given as much time as he wanted to make his rebuttal. Staff were his lackeys. They would jump up, turn off the lights, make copies for him," she said.

Lombardo denies receiving any special favors, but acknowledges he has cultivated relationships with county supervisors and other politicians.

He is one of a handful of Monterey County residents required to file a Form 461, a special reporting document the state demands from entities making annual campaign contributions of more than \$10,000. According to financial disclosure forms filed between 1995 and December 1999, the biggest recipients of Lombardo's largesse were former Assembly Speaker Willie Brown and Republican New Jersey Gov. Christine Todd Whitman, each of whom received \$5,000. Supervisor Pennycook was the biggest beneficiary at the county level, receiving \$1,492 from Lombardo in 1998 and \$1,391 in 1997.

Pennycook returned an \$891 contribution to Lombardo earlier this year after she learned that some of the money had come from others in his firm and she hadn't received a list of the names.

"I believe in knowing people who are contributing," said Pennycook.

Lombardo, a Republican, has held fund-raising events for politicians including Democratic Attorney General Bill Lockyer and Republican state Sen. Bruce McPherson of Santa Cruz. Lombardo said his firm also encourages clients to make contributions. "It's a very political job, so I'm involved constantly in politics," he said.

There are other connections between Lombardo and elected officials. Pennycook took political heat in her 1998 campaign for allowing Lombardo to represent her on a proposal to subdivide some of her property in northern Monterey County. Supervisor Lou Calcagno's Moon-glow Dairy near Moss Landing is also a Lombardo client.

"I've been a client of Tony's from way back," said Calcagno, who served on the county Planning Commission before becoming a supervisor. He said he hired Lombardo to handle such things as securing coastal permits, helping with agricultural leases and dealing with labor issues and compensation complaints.

Like Pennycook, Calcagno said he's voted against projects Lombardo represented.

"I'm a businessperson in Monterey County," said Calcagno. "If I was to eliminate myself from all the possible people I do business with in the Salinas Valley, I basically couldn't function as a supervisor in Monterey County."

Supervisor Dave Potter also has had private dealings with the Lombardo family. He bought a home from Lombardo's mother in 1997 and then borrowed money from her to use toward the down payment. Denying any special deal, Lombardo said the interest rate was "10 or 12 percent."

Potter has since paid off the loan, and he, like Calcagno and Pennycook, says his connections to Lombardo have not kept him from voting against him.

Staff members at the state Fair Political Practices Commission have said that none of the private transactions between the supervisors and Lombardo appear to have violated any laws. Still, Stamp maintains that the supervisors have violated the spirit of conflict-of-interest laws.

"It certainly creates the appearance of conflict," said Stamp. "It certainly strikes the public wrong."

Former County Counsel Douglas Holland, once the county government's top lawyer, was dismissed by the supervisors after the Bernardi case was filed. Though Lombardo's firm was writing documents on behalf of the County Counsel's office, Holland denies Lombardo got any special treatment from county employees.

"I can't say that he had undue influence over anyone," said Holland, who now practices in Orange County. "He was always prepared to provide whatever information was required by the department... He was simply, I think, a fairly persuasive individual as far as being able to ably represent his clients."

Retired Monterey County Judge Harkjoon Paik says it's natural that Lombardo has created enemies: "When one is as effective as he is, you're liable to get folks who are not happy with you."

Style or substance?

Nevertheless, there is something about Lombardo's aggressive style that some people just don't like.

On behalf of his clients, Lombardo routinely calls county staffers and doesn't hesitate to work his way up the chain of command — all the way up to county supervisors and mayors.

Lombardo said persistence is part of the job.

"Sure it's pressure," he said, but he added that he only does "what's legally appropriate." Sometimes, he said, he must push hard to get planners to meet legal deadlines.

Lombardo's Salinas office is just steps away from the county government offices, and he is a frequent visitor. Potter recalls Lombardo commonly bringing clients in to meet county supervisors.

In that way, Lombardo differs from Brian Finegan, another well-known local land-use attorney. In Finegan's view, "the role of the lawyer is not to interface with politicians. That's the role of the client, if the client feels it's necessary to do that." The Finegan way of working with county employees also differs from Lombardo's. "I don't think it's productive to be adversarial with the staff," Finegan said. "You just have to understand and educate your clients to understand that the process isn't going to go as quickly and as smoothly as they would like it to."

Lombardo critics say he's articulate and well-prepared but apt to omit crucial details if he's not called upon to present them. They also object to his aggressiveness, as demonstrated by the time he described an opponent as "a perjurer."

"These tactics can affect major land use, and they undermine a fair litigation process," said Gillian Taylor, who chairs the Sierra Club's Ventana Chapter.

Lombardo makes no apology for his brash style.

"I have an obligation to represent my client, and I have an obligation to do that in the most aggressive manner I can do it," he said. "That's what my client expects. I have an obligation to represent the facts accurately, but that doesn't mean I would go into some diatribe explaining facts that are not in my client's favor." A lawyer, adds Lombardo, "is nothing more than a glorified used car salesman. Our job is to close the deal."

He said he doesn't "recall taking an opportunity to personally insult or cast aspersions on someone's personal life." In fact, he said, he is used

to sitting in crowded meeting rooms and hearing derogatory comments hurled at his back.

He said there is much about him that most people don't know: that he doesn't favor all development and that much of his 7,000-acre South County cattle ranch is already preserved from development. He said he hopes to retire there by age 50.

Lombardo said his mission is to help people exercise their property rights under existing zoning rules. He sees himself as the champion of "people who really can't stand up for themselves" and said his practice is made up of such clients: the father

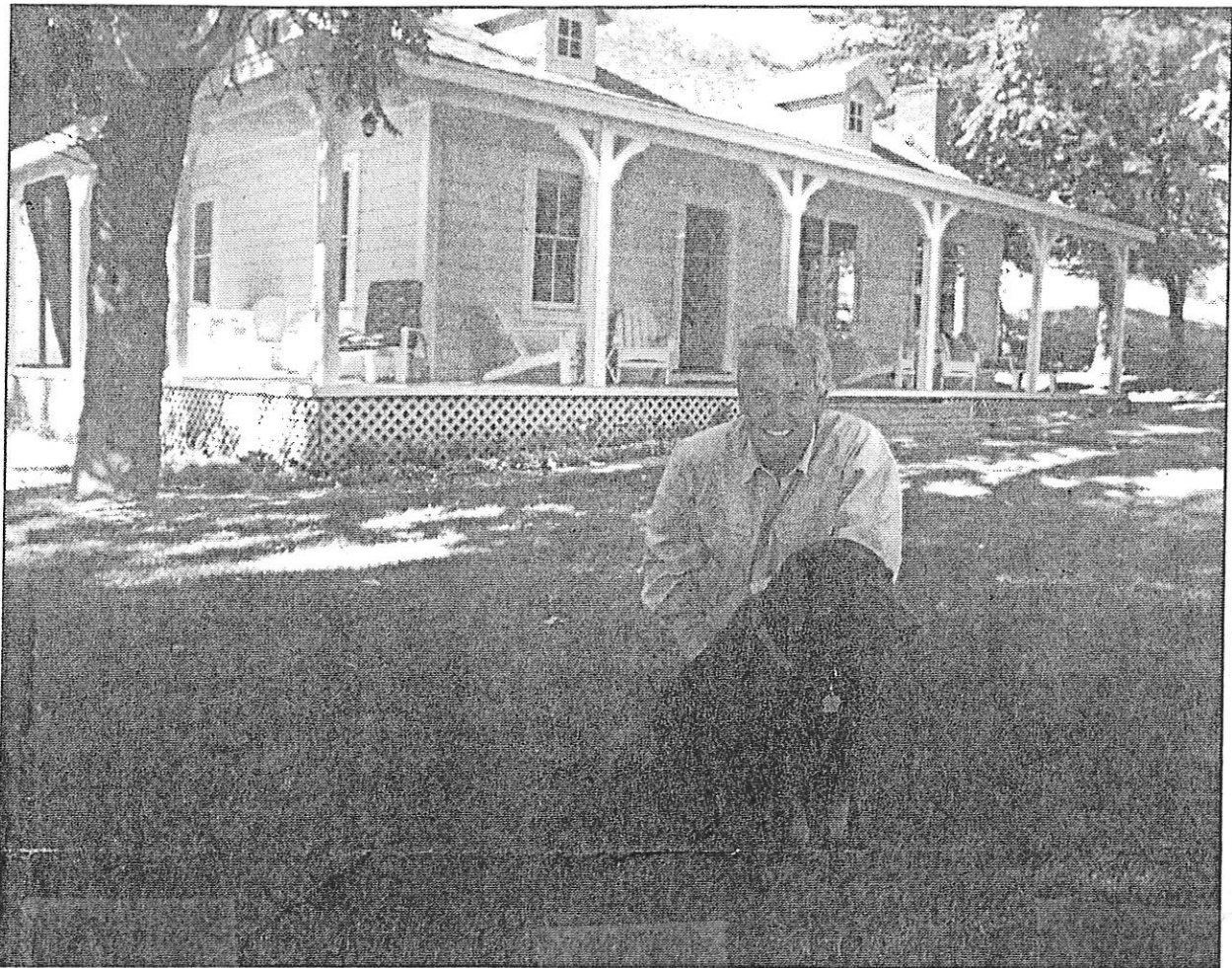
who wanted to put a tree house up for his daughter, the couple wanting to build their dream house, the guy who had a vision for his business.

To those people, he said, he's "psychiatrist, doctor, father confessor."

"In my own mind, helping people to get their own house, or their play house, or their business built — that's justice done."

*Jill Duman can be reached at
jduman@montereyherald.com
or 753-6755.*

*Andy Rose can be reached at
arose@montereyherald.com
or 646-4355.*



Lombardo with his constant companion, Teddy, a 5-year-old Labrador, in front of his house, built in 1880. Lombardo made only slight modifications to the house's exterior.