

Attachment B

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NOTICE OF APPEAL

Monterey County Code
Title 19 (Subdivisions)
Title 20 (Zoning)
Title 21 (Zoning)

RECEIVED
MONTEREY COUNTY

FEB 09 2024

CLERK OF THE BOARD

Emmanuel H. Santos
DEPUTY
EMMANUEL H. SANTOS

No appeal will be accepted until written notice of the decision has been given. If you wish to file an appeal, you must do so on or before February 12, 2024 (10 days after written notice of the decision has been mailed to the applicant).

Date of decision: January 25, 2024

1. Appellant Name: Thomas Family c/o Jennifer S. Rosenthal, Esq.
Address: PO Box 1021, Carmel Valley, CA 93924
Telephone: (831) 625-5193. *Please note the agent is not available 3/8 through 3/19/24

2. Indicate your interest in the decision by placing a check mark below:

Applicant _____

Neighbor X

Other (please state) _____

3. If you are not the applicant, please give the applicant's name:

John Hodge/Stacey Keare

4. Fill in the file number of the application that is the subject of this appeal below:

Type of Application Area

a) Planning Commission: PC- _____

b) Zoning Administrator: ZA- PLN230140 Pebble Beach Coastal Zone

c) Administrative Permit: AP- _____

Notice of Appeal

5. What is the nature of your appeal?

a) Are you appealing the approval or denial of an application? Approved

- b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheet if necessary)

See attached.

6. Place a check mark beside the reason(s) for your appeal:

There was a lack of fair or impartial hearing X
The findings or decision or conditions are not supported by the evidence X
The decision was contrary to law _____

7. Give a brief and specific statement in support of each of the reasons for your appeal checked above. The Board of Supervisors will not accept an application for an appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary)

See attached Points of Appeal.

8. As part of the application approval or denial process, findings were made by the decision-making body (Planning Commission, Zoning Administrator, or Chief of Planning). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary)

See attached Points of Appeal.

9. You must pay the required filing fee of \$3,572.00 (make check payable to "County of Monterey") at the time you file your appeal. (Please note that appeals of projects in the Coastal Zone are not subject to the filing fee.)
10. Your appeal is accepted when the Clerk to the Board accepts the appeal as complete and receives the required filing fee. Once the appeal has been accepted, the Clerk to the Board will set a date for the public hearing on the appeal before the Board of Supervisors.

The appeal and applicable filing fee must be delivered to the Clerk to the Board by the deadline. A mailed copy of the appeal and filing fee will be accepted only if it is received by Clerk of the Board by the deadline. The appeal and applicable filing fee should be mailed to PO Box 1728, Salinas CA 93902. A facsimile copy of the appeal will be accepted only if the hard copy of the appeal and applicable filing fee are mailed and received by Clerk of the Board by the deadline.

APPELLANT SIGNATURE

JRonthale - agent Date: 2/8/2024

RECEIVED SIGNATURE _____

Date: _____

**APPEAL OF THOMAS FAMILY TO THE DECISION OF THE ZONING ADMINISTRATOR APPROVING
A COMBINED DEVELOPMENT PERMIT**

(PLN230140)

There was Lack of Fair and Impartial Hearing

- The applicant argued points made by Thomas family members at the Del Monte Forest Land Use Advisory Committee (LUAC) indicating they requested the residence be moved back two (2) feet. That representation was not made by Thomas family members, they have requested it be moved back six (6) feet.

The Findings are not Supported by the Evidence

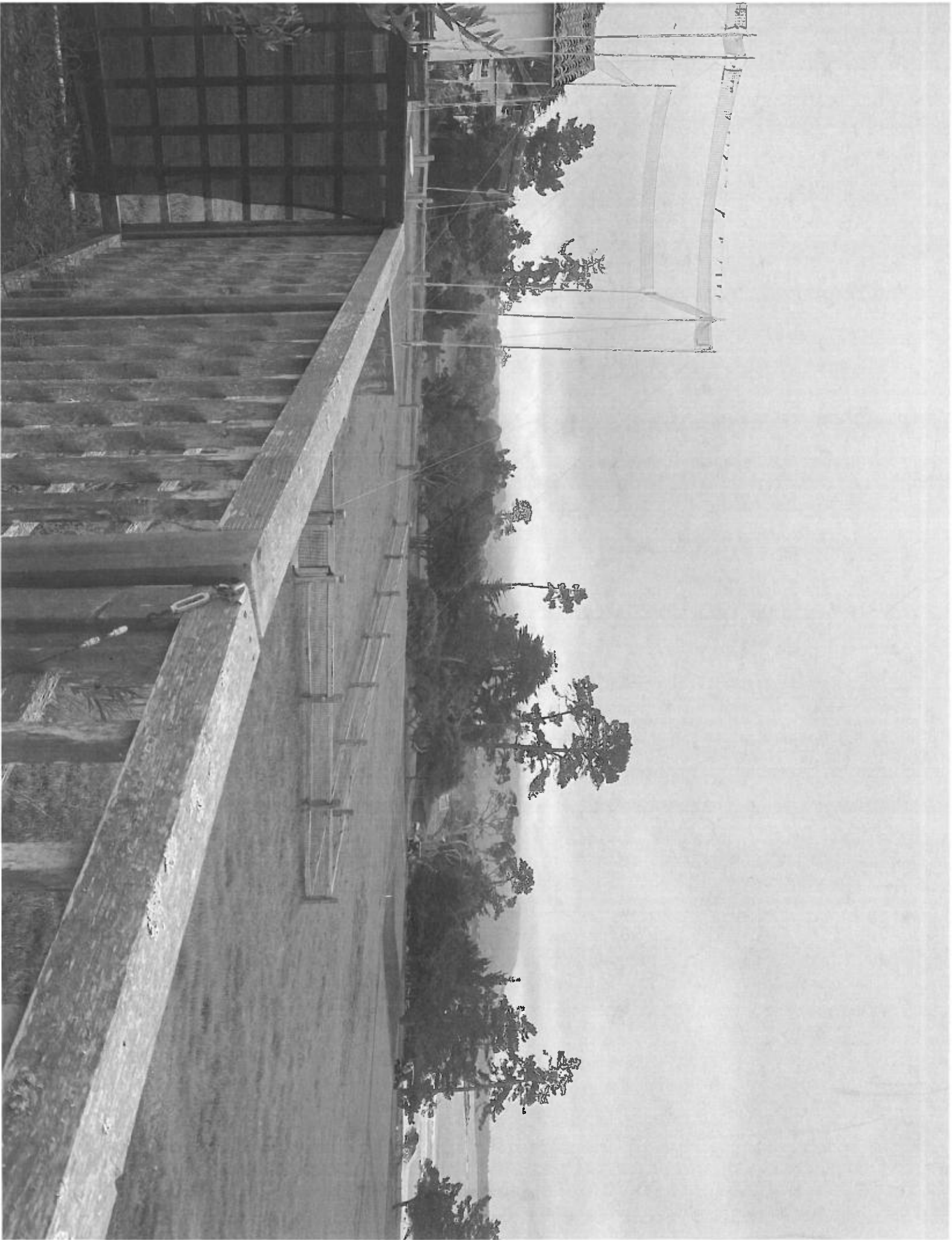
- The findings are replete with statements that are not supported by substantial evidence. For example:
 - Contrary to the findings, the site is not suitable for the project. The project site is in an archaeological resource. The site is in an area identified in County records as having high archaeological sensitivity pursuant to “Phase 1 Archaeological Assessment” (LIB230227) prepared by Susan Morley revised August 2023.
 - Contrary to the findings, his site is not suitable for the project. The project site has been identified within the regional area through the California Natural Diversity Data Base for various native plants including but not limited to Maritime Chapparal, Monterey Pine Forest, Monterey Cypress Forest, Coast Live Oak Forest, Grasslands, and Dune Habitat pursuant to “Biological Assessment” (LIB230228) prepared by Fred Ballerini June 29, 2023.

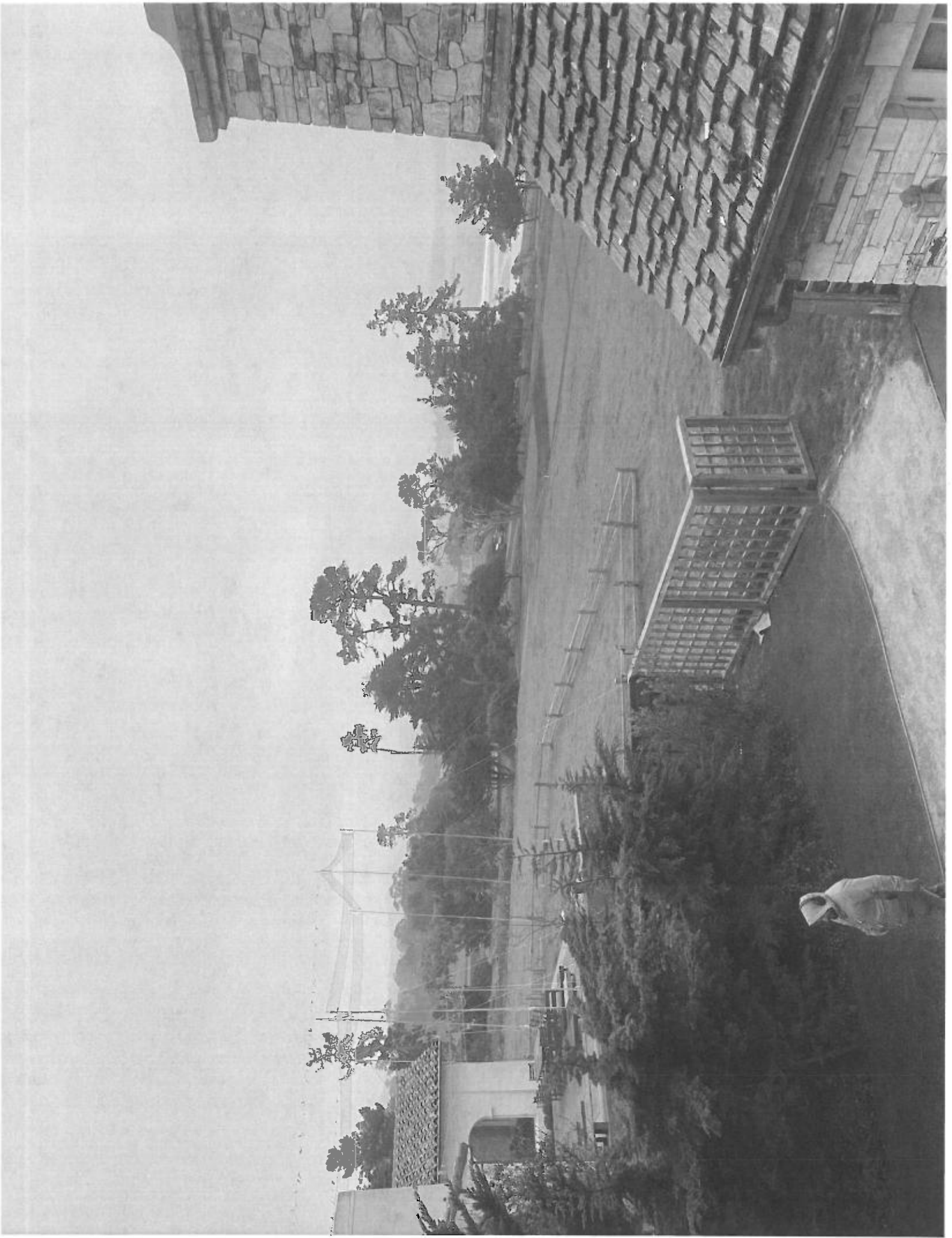
The Decision is Contrary to Law

- The findings are not supported by substantial evidence.
- The project is inconsistent with the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan, Title 20, Coastal Act and General Plan in that it:
 - Approves demolition of a 6,256 square foot, two-story single-family dwelling with an attached guest house and two-car garage and construction of an 8,467 square foot single-family dwelling and a 960 square foot two-story detached assessor dwelling unit in a highly sensitive archaeological location.
 - Approves a house on 17 Mile Drive in conflict with the Design Control District (Monterey County Code Section 20.44.010) and Policies 51, 56 and 57 of the Del Monte Forest Land Use Plan which call for new development to be compatible with the neighborhood and for protection of the public viewshed.

- Ignores the fact that the current home is a Spanish Colonial Revival home Wallace Neff was known for designing. The proposed new home is an incompatible development with the surrounding coastline and is not consistent with the surrounding development along 17 Mile Drive and does not compliment the natural scenic assets of this area such as the ocean view and view of Point Lobos.
- Ignores the fact that the location of the proposed modern residence in direct contrast with the current Spanish Colonial Revival home is in the direct viewshed of the appellant. It has been requested the residence be set back an additional six (6) feet. The proposed location of the residence will sit directly in front of appellant's residence and is hedging closer and closer to the ocean, significantly interfering with their views of Point Lobos, the ocean and the Pebble Beach Golf Links. Moreover by placing a residence six (6) feet in front of the adjoining property coupled with permitting a swimming pool and hot tub in such a close proximity to an established residence will create a precedent allowing each new development to move closer to the golf course that will increase the hazard for public walking or golfing on the Pebble Beach Golf Links.
- Ignores the fact that the establishment, maintenance and operation of this project under the circumstances of this particular case will be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.
- The project as proposed includes a large swimming pool that encroaches a few feet within the eastern property line's twenty (20) foot set back and the hot tub and swimming pool are located directly adjacent to the southeast corner of the applicant's residence and are basically as close as possible to the appellant's residence. The swimming pool and hot tub are basically as close to the appellant's property as possible. It should be noted that it is not the custom, pattern and practice for parcels located on the Pebble Beach Golf Links to have swimming pools on the golf course greens and in using Google Earth not one other swimming pool is shown on the course. Swimming pools this close in proximity to one of the most prestigious golf courses in the world are detrimental to not only the safety of those swimming, but the comfort and general welfare of those traveling the course. See attached photos of the proposed location of the swimming pool in relation to the golf course (13th hole) and the appellant's residence.
- Approves a development in conflict with Policy 64 of the Del Monte Forest Land Use Plan which states that no development proposals with the potential to damage an archaeological site or an archaeologically sensitive area shall be categorically exempt from environmental review.
- The project as proposed is not categorically exempt from CEQA for the below reasons:

- The project site is environmentally sensitive in specified respects pursuant to the following reports submitted with the application:
 - “Biological Assessment” (LIB230228)
 - “Geotechnical Report” (LIB230229)
 - “Phase 1 Archaeological Assessment” (LIB230227)
- The project may result in damage to scenic resources.
- The project and successive projects of the same type in the same place will result in cumulative impacts.







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