

Attachment B

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NOTICE OF APPEAL

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

RECEIVED
MONTEREY COUNTY

JUL 20 2023

CLERK OF THE BOARD

Emmanuel H. Smith
~~DEPUTY~~

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 July 17, 2023 (10 days after written notice of the decision has been mailed to the applicant).

Date of decision: July 7, 2023

1. Appellant Name: Patrick Whisler
Address: 259 Cobblestone Drive
Telephone: 415-244-2831

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

Applicant

Neighbor

Other (please state) _____

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

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- <u>210353</u>	47 HIGHWAY 1, CARMEL AREA LAND USE PLAN, COASTAL ZONE (APN: 243-061-003-000)
b) Zoning Administrator: ZA- _____	_____
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? Denial

- 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)

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

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

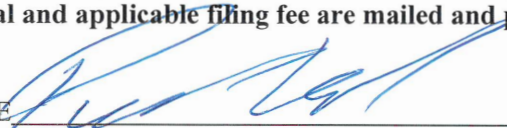
Appeal of the finding the applicants proposal to use a local family member and property owner who resides one mile south of the subject property as the property manager is inconsistent with the intent of the Monterey County Code **20.64.100** stating "The property owners shall occupy and manage the bed and breakfast facility". The applicant asserts that the local owner 1 mile and 3 minutes from the property provides a similar level of management to an owner occupying the property.

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)

The applicant has proven that with over 35 years of local family management with no complaints submitted by the public or Government agencies that it is providing a level of management **similar** to an owner occupying the property. The fact that the property has no immediate neighbors and is surrounded by State Park land lessens the need for an owner to occupy the property full time. Please see the attached updated Operations Plan.

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 or mailed and postmarked by the filing deadline 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 postmarked by the deadline.

APPELLANT SIGNATURE  Date: 07/15/2023
Patrick Whisler, owner applicant

RECEIVED SIGNATURE _____ Date: _____



**“Whisler Wilson Cottages”
Operational Guidelines**

1) THE HISTORY OF THE COTTAGES AT MONESTARY BEACH

In 1898 our mother Mary Whisler’s grandparents Alexander Macmillan Allan and his wife Sadie bought the original 2,000-acre ranch that included what is now Point Lobos State Reserve.

In 1904 Alexander McMillan Allan purchased for \$10 in gold coin what is known as The Whalers Cottage.

The two-story house was built in the 1800’s by Joseph Victorino, a whaler from Portugal.

2) PROPERTY DESCRIPTION 47 Highway 1 Carmel, CA

Maximum occupancy is 14 maximum total guests. Parking spaces for 7 guest cars and 2 owner cars.

The Whalers Cottage, along with its two guest cottages, sits on a 1 acre parcel of land at the north end of Monastery Beach. Surrounded by State Park property, the property is private with no immediate neighbors. Access is via a driveway off of highway 1 at the Bay School with an access easement across State Parks property.

a) Whalers Cottage- 3 Guestrooms. Maximum occupancy 6 guests.

Parking spaces for 3 cars.

Lower Floor 870 Square feet

One Guest Room with one king bed

Living & dining room with fireplace

Fully appointed kitchen with eating area

Bathroom with shower, bath tub & laundry

Deck

Upper Level- 453 Square feet

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One Guest Room with one king bed, shower, and vanity sink.
One Guest Room with two twin beds
One half bath in hallway.

b) Abalone Cottage-Two Guestrooms. Maximum occupancy 4 guests.

Parking spaces for two cars

654 Square feet
One Guest room with king bed
One Guest Room with two twin beds
Two full baths with showers
Living and dining room with fireplace
Fully appointed kitchen
Laundry in bathroom
Deck

c) Sea Otter Cottage- Two Guestrooms. Maximum occupancy 4 guests.

Parking spaces for two cars

895 Square feet
Living and dining room with fireplace
Two full bathrooms, one with shower,
one with tub/shower
Fully appointed kitchen
Laundry in bathroom
Patio

3) RENTAL OPERATIONAL DESCRIPTION

- a) Owners management objective is to create a relaxing, safe and unique experience for travelers from all over the world and to share the unique location with others.
- b) The property owners shall occupy by means of daily visits to the property and manage the facility. Local owner lives at 57 Riley Ranch Road, 1 mile (3 min via car) from the property.
- c) There shall be no more than 10 guest rooms per facility (each guest cottage).
Occupancy shall be:

-Whalers Cottage-	Three Guestrooms. Maximum occupancy 6 guests
-Abalone Cottage-	Two Guestrooms. Maximum occupancy 4 guests
-Sea Otter Cottage-	Two Guestrooms. Maximum occupancy 4 guests
- d) No long-term rental of rooms shall be permitted. The maximum stay for guests shall not exceed 29 consecutive days in a 30 day period and no more than 60 days in a one year period.
- e) The facility shall provide parking on site at the rate of 1 space per guestroom plus two spaces for the owners.
- f) Maximum signage. The property shall have a maximum of one sign not exceeding 4 square feet in area. Such sign shall be attached to the residence and shall not be internally illuminated.
- g) The facilities are subject to the transient occupancy tax. (Chapter 5.40, Monterey County Code)
- h) Any cooking facility must comply with State and County codes.
- i) Owners shall enforce a noise policy that prohibits loud and unreasonable sound any day of the week from 9:00 p.m. to 7:00 a.m. the following morning.

- j) The facility shall not be affiliated with hotels or motels operating anywhere in the County of Monterey.
- k) No more than six guest cars and two owners cars are allowed to be parked on the premises.
- l) A signed leasing agreement is required prior to the guest accessing the property. The guest names and ages are added to the leasing agreement prior to arrival. Communication between the manager and the guest is mandatory prior to check in.
- m) The required minimum stay for a guest is 4 nights. The property is booked throughout the year on an average of 20 nights per month.
- n) No back-to-back bookings are permitted, one day is required between renters.
- o) Each Cottage can be rented separately, or larger families can rent two or all three.
- p) All utilities are included with lodging.
- q) All lines and towels are supplied and professionally laundered.
- r) All kitchens are fully equipped.



4) OWNER MANAGEMENT PLAN AND DEMONSTRATION OF HOW THE OWNERS MEET THE INTENT OF MONTEREY COUNTY TITLE 20 FOR A BED AND BREAKFAST FACILITY TO BE MANAGED AND OCCUPIED BY THE OWNER.

- a) Family Ownership has managed the property for over 35 years without a single complaint.
- b) Owners visit the property for Check in and Check out maintaining close observation of guest and property needs.
- c) Owners live 1 mile from the property on land that once was part of the same original family estate of Alexander Macmillan Allan which encompassed the subject property as well as the owner's residence.
- d) Owner manager response time to any guest or property needs is under 5 minutes which is similar to an owner occupying the property.
- e) The subject property is an inholding surrounded by State Park Lands and has no adjacent residential neighbors to communicate with regarding management issues such as parking lessening the need for the Owner Manager to occupy the property.

5) FIRE SAFETY

- a) Local Fire Department is nearby in The Carmel Highlands.
- b) Fire Hydrant is located 400 feet up the driveway adjacent to the Bay School.
- c) Local owner has a history of being a volunteer firefighter.
- d) Trees surrounding the property are trimmed and maintained on a regular basis.
- e) The local owner maintains properties front pasture.
- f) No outdoor fires, or outdoor heaters are allowed.
- g) Property has the required smoke, and carbon monoxide detectors. The house is equipped with fire extinguishers.
- h) Fireplaces are serviced and inspected by a Chimney Sweep annually.

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- i) Guests are asked to not operate the fireplace unless they have experience with fireplaces.
- j) The Cottages are a non-smoking environment.

6) PARAMETERS OF USE

- a) No parties or events of any kind are allowed.
 - b) No noise past 9 pm and 7am is allowed.
 - c) No outside sound systems are on the premises.
 - d) Guests are to arrive no later than 10pm.
 - e) Speed Limit of 10 MPH is always needed. Failure to follow this requirement will result in eviction.
 - f) Dogs must be leashed when outdoors.
 - g) Rental contract requires that Guests acknowledge that they must engage in behavior that is consistent with the peace and tranquility of the neighborhood.
 - h) Rental contract requires that Guests acknowledge that the property is adjacent to wildlife.
- a. Guest is required to sign that they have been informed about the dangers at Monastery Beach access.
 - b. Guests are aware that the surrounding area does have uneven surfaces.

7) F. VENDORS/PARTNERS

- a. Del Mar French Laundry
- b. Martinez Brothers Landscaping
- c. Dorry's Cleaning Service
- d. Busy Bee Carpet Cleaning
- e. Morgan Wines
- f. Ewing Irrigation
- g. Keystone Chimney Sweep
- h. Beraman Carpets
- i. Casner Pest
- j. Scudder Roofing
- k. HVAC- Wilsons Heating
- l. Plumber-A&R Plumbing
- m. Gardner- Native Coast Landscapes

G. UTILITIES

- a. Water:
Domestic household supply is CAL AM.
- b. LP gas: Suburban Propane.
- c. Electricity: PG&E
- d. Sewer: On Site Septic System.

APPENDIX A
Family History

Below is a timeline of AM Allan's contribution to Monterey County. This history illustrates the extraordinary founders of the Monterey area. It displays the inspiring work in the dairy and abalone industry. Visitors are given a look into history that they may never have sought out or heard of. Therefore, we want to share our property with the public who visit the area. The proximity to Pt. Lobos State Park, and the family's part for its existence to this day.



BAY SCHOOL – APPROXIMATELY 1929

Pictured: from left to right, upper row: Mrs. Hollis; Elizabeth Hollis (teacher); Fusako Kodani (Onoye); Bessie Morales; Jean Elliot (Booker); Takeko Kodani (Enokida); Albin MacDonald; Bruno Odello; Lorraine Shaw and A.M. Allan; in the front row: Alma Castro (Tibbets); Mary Riley (Whisler); Norma MacDonald; Lucille Castro (Zimmerman); Yoshiko Kodani (Esaki); Earnest Shaw; Clarence Casto and Jean Shaw

POINT LOBOS RANCH

Key Dates in History of Family and Development Later designated:
"The Riley Ranch at Point Lobos"

1898 A.M. Allan purchased Carmel Land and Coal Company, Carmelito Subdivision of 800-1000 lots (developed in 1890) and adjacent lands of Rancho San Josey Sur Chiquito, including the 20acre coal mine above Malpaso Creek. Included in the purchase was the family ranch house, later to be veneered with stone. Allan relocated his family to Point Lobos from Oakland, CA.

1899 Abalone diving and canning operation commenced by AM. Allan in partnership with Gennosuke Kodani at Whaler's Cove. (Point Lobos Canning Company)

Toll charges began for visitors into Point Lobos.

1899-1904 Sand business. Railroad tracks installed from San Jose Creek Beach to coal Bunker for transporting sand to ships to San Francisco.

Farming: grew potatoes, pumpkins, and corn; beans for the San Francisco market.

1900 (circa) Original horse barn built next to residence.

1903 A.M. Allan building Ascot Park Racetrack in Los Angeles.

1904 A.M. Allan purchased the 110-acre Victorino ranch extending from Carmel River to San Jose Creek including the 1870 two-story house and outbuildings from Joseph Victorino. Victorino, a whaler from Portugal, operated a dairy there, after whaling declined.

Point Lobos Ranch now comprised about 2,500 acres.

1905 A.M. bought property in Cayucos, CA. and founded a branch of Point Lobos Canning Company for abalone hunting/canning.

1906 San Francisco Earthquake. A.M., wife Satie and three daughters Helen, Eunice, and Margaret were staying at the St. Nicholas Hotel at the time.

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1906 Satie Allan died February 28 at the age of forty-one due to health complications resulting from the earthquake.

A.M. building Santa Anita Racetrack for "Lucky Baldwin" in Arcadia near Los Angeles.

1909 A.M. built the California State Fair Grounds in Sacramento.

1910 A.M. started the Point Lobos Dairy about this time. They sold raw milk to people in Carmel and Carmel Highlands. They started to make Jack cheese.

1914 Eunice Allan to U.C. Davis for dairy management and cheese making course. Started to sell Jack cheese in Monterey and to ship it to San Francisco (up to 200 lbs. per shipment.)

1914-1918 World War I

1917 Helen Allan married Julian Burnette. He later worked for A.M. in the Monterey Canning Company and Monterey Bank. The Burnettes had four children: Helen, Julian, Alexander, and Leola.

1918 A.M. built the Monterey Canning Company, one of the first sardine canneries on Cannery Row.

Margaret Allan married Lester Jay Hudson. They had four sons: Allan, Thompson, David, and John.

1919 The "Hoot Mon", house adjacent to Allan House, burned down and was rebuilt. It was originally built as a schoolhouse for the Allan children and neighbors.

1920-1926 "The Gravel Pit" up Riley Ranch Road was opened, and decomposed granite was trucked to San Jose Beach and crushed for construction use.

1920 A.M. hired Thomas Francis Riley to work at the Dairy.

1921 Eunice Allan and Tom Riley married February 14 at the Allan home.

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- 1922 Tom and Eunice Riley took over operation of Point Lobos Dairy. New dairy barn was built to replace the old milking shed.
- 1924 February 28, Mary Morgan Riley was born at Alta Bates Hospital in Berkeley, CA. The Rileys now living in the Stone House and A.M. moved to the "Hoot Mon" - the cottage next door.
- A.M. Allan married Florence McRae December 31. Moved to "The Old Garcia House" just north of the Stone House.
- 1926 Feb. 28th Alexander (Bobby) Macmillan Allan II was born to A.M. and Florence in Carmel.
- 1928 On June 16th A.M. Allan founded the Bank of Monterey located at 436 Alvarado St. in Monterey.
- 1929 July 8th Elizabeth Allan Riley was born at the Carmel Hospital.
- 1930 A.M. Allan died January 24, 1930, at the age of seventy-one, leaving his wife, Florence, son Alexander Allan and three daughters: Helen Burnette, Eunice Riley, and Margaret Hudson. These heirs held the Ranch in undivided interest.
- Property settlement among heirs. Disposition of A.M. Allan's properties in Monterey, Chicago, farm in Illinois, abalone cannery property at Cayucos, stocks, Monterey Canning Company, Monterey Bank, etc. were completed 7/18/30.
- 1931 California State Parks purchased approximately four hundred acres to form Point Lobos State Reserve for \$631,000. In an agreement with the Allan heirs, a portion of the Cypress Headland was to be considered a gift and dedicated as a memorial to A.M. Allan and his wife Satie Morgan Allan. As a part of the deal, State Highway One was to be realigned to the west of the Riley residence so the house would not be separated from the dairy business and ranch.
- 1932 Patrick Morgan Riley born October 4th at Carmel Hospital.
- 1941 - 1946 World War II
- 1942 The Carmel Dairy Farms owned by Earl Graft, Charlie

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Littlefield and Tom Riley was sold to Dwight Morrow, Jr. (Ann Lindberg's brother). The Carmel Valley Athletic Club and the Quail Lodge Resort and Golf Club now occupy this property.

1943 - 1950 Monterey Sand Company used Point Lobos to quarry sand - sending it to Navy Shipyards in San Francisco to be used in sandblasting.

1947 Tom Hudson (son of Margaret and Jay) in charge of rebuilding "shack" at Monastery Beach next to the two story "Victorino House" for Eunice Riley. Henry Hill, architect, projected cost of rehab at \$3,000. Anticipated rent - \$75.00 a month.

1948 Appraisal made for heirs to ranch and a division of the property took place. Helen (Burnette) wanted to sell her interests - took what is now Carmel Meadows. Eunice (Riley), Margaret (Hudson) and A.M. Allan II, each took a beach-front parcel and some back land parcels with reciprocal access and utility easements

The Hudson family-built adobe house on their property on west side of Highway One. It was designed by Hugh Comstock and completed in 1951. It is now used as the Point Lobos Ranger's residence.

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Respect for neighbors –

Limited number of cars

Require guest to adhere to local speed limit

Require guest to adhere to no event policy

Require guests to adhere to no outdoor music amplification

Require guests to stop any outdoor noise after 10pm

Require guests to adhere to leashed pet policy

Communication with Guests –

Guests sign a required leasing agreement with owner

Owner arrives at check in to review layout of the property and answer any questions.

Owners phone number(s) are posted for Guest.

Owner is onsite an average of 1-3 times per day.

Response time for owner to Guest property is 3 minutes (1.2 miles)

Owner arrives at check out to review and answer any questions.

No complaints in 35 years from Guests regarding response time .

Guests and Owner(s) have frequent communication during stay(s) via phone, text, email.