

Attachment C  
Notice of Appeal

PLN120442





RECEIVED  
MONTEREY COUNTY  
**NOTICE OF APPEAL**

2013 DEC -5 PM 1:03

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

No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before \*10/15/13 (10 days after written notice of the decision has been mailed to the applicant).  
Date of decision \* 11/25/13

1. Please give the following information:

- a) Your name Sima Barnyard LLC, c/o/Anthony Lombardo & Associates  
b) Address 450 Lincoln Avenue, Suite 101 City Salinas Zip 93901  
c) Phone Number (831) 751-2330

2. Indicate your interest in the decision by checking the appropriate box:

- Applicant  
 Neighbor  
 Other (please state) \_\_\_\_\_

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

4. Indicate the file number of the application that is the subject of the appeal and the decision making body.

- 5.
- |    | File Number            | Type of Application | Area                                      |
|----|------------------------|---------------------|---|
| a) | Planning Commission:   | <u>PLN120442</u>    | <u>Combined Development Carmel Valley</u> |
| b) | Zoning Administrator:  | _____               | _____                                     |
| c) | Subdivision Committee: | _____               | _____                                     |
| d) | Administrative Permit: | _____               | _____                                     |

5. What is the nature of your appeal?

a) Are you appealing the approval  or the denial  of an application? (Check appropriate box)

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 sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for your appeal:

There was a lack of fair or impartial hearing; or

The findings or decision or conditions are not supported by the evidence; or

The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Board of Supervisors will *not* accept an application for 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).

Please see attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Please see attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Resource Management Agency - Planning Department will provide you with a mailing list.

9. Your appeal is accepted when the Clerk to the Board's Office accepts the appeal as complete on its face, receives the filing fee \$ 1565.91 and stamped addressed envelopes.

APPELLANT SIGNATURE

Grandall Clark for Applicant

DATE

12-5-13

ACCEPTED

De nise Hancock

(Clerk to the Board)

DATE

12-5-13

Notice of Appeal  
Sima Barnyard Management, LLC  
PLN120442  
Planning Commission Resolution No. 13-041

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The project as proposed includes an application for a Variance and Design Approval to reduce the amount of allowed tenant signage at the Barnyard from 35 SF per tenant to 15 SF per tenant while increasing the allowed Shopping Center identification signage by constructing a 32 SF monument sign on property leased by the Barnyard.

Upon approval, allowed tenant signage would decrease from 2,520 SF to 1,080 SF while center signage would increase from 35.5 SF to 67.5SF.

This appeal is submitted to refute the following Findings: 2, 4, 5, 8, 9, and 10.

**Finding 2-CONSISTENCY**

*Area Plan*

As noted in the staff report and again in the findings, staff analyzed the proposed project's consistency against the policies of the Greater Monterey Peninsula Area Plan (GMPAP). However, as the attached maps and project description from the county's website illustrate, the project is actually located within the Carmel Valley Master Plan (CVMP). Therefore, staff's assertion that the proposed project is inconsistent with the noted GMPAP policies is non-applicable.

The 2010 General Plan contains two Master Plans, the Carmel Valley Master Plan (CVMP) and the Fort Ord Master Plan. The Monterey County Board of Supervisors adopted the CVMP on December 16, 1986 and has periodically amended the plan. According to page iii of the General Plan *the CVMP is being updated and included in the Area Plan section of this General Plan to serve as an Area Plan for the particular geographical area that it covers.* That geographical area includes the Barnyard and State Parks properties.

When reviewing the project against the applicable area plan, the proposed sign is clearly consistent with the following CVMP policies: CV-1.20, CV-3.3, CV-3.5 and CV-3.6. As depicted in the attached, the proposed on-site sign does not create visual clutter; is compatible with the built environment of the Barnyard, is not plastic or internally lighted, and does not block views of the viewshed, the river, or the distant hills.

### Visual Sensitivity

Although irrelevant, a number of the GMPAP policies noted by staff relate to the project's potential to impact a designated visually sensitive area. However, as evidenced in the attached, the project area is not designated as visually sensitive in the CVMP. Therefore, this analysis is not applicable to the project as proposed.

While zoning on the project site does require design review, the "D-district" does not preclude the construction of signs, nor does it require that all projects within the district be completely screened from public view. Instead, the policy requires the Appropriate Authority to consider the size, configuration, materials and colors of the proposed structure to assure that they will comply with the provisions of the district.

### Setback

The location of the proposed sign is not affected by the required 100 foot setback from Carmel Valley Road as described in the CVMP.

### Public Quasi Public

Staff asserts that a sign within a Public Quasi Public zone advertising a commercial entity is inconsistent with the intent of the PQP zoning regulations. However, Section 21.60.080.C.2 of the zoning ordinance allows signs within the PQP District between twenty (20) and seventy-five (75) square feet in the aggregate appurtenant to any allowed use with an Administrative Permit. The sign would be appurtenant to the existing allowed commercial operations of the Barnyard and measures 32 square feet. Therefore it should be allowed with an Administrative Permit.

## **Finding 4- SITE SUITABILITY**

The project is proposed on a parcel designated PQP. Signs within the PQP district can be allowed with the approval of an Administrative Permit per Section 21.60.080.C.2 of the zoning ordinance. Therefore, the site is suitable for the sign as proposed.

## **Finding 5- HEALTH AND SAFETY**

There is no evidence in the record as a whole that the proposed sign is, or can be construed as detrimental to the health, safety, peace, morals, comfort and general welfare of any persons or property within the vicinity of the project area.

The site is suitable for the project as proposed and the project is consistent with the applicable policies of the CVMP.

**Finding 8- VARIANCE-No special circumstances**

Due to the location of the shopping center, and the need to provide clear directions to the site, center-wide signage is more critical to drawing visitors and increasing revenues for the small business owners. The Barnyard is also in the unique position of leasing property from California State Parks. This property is located adjacent to the highway and provides an exceptional opportunity for on-site advertising.

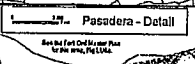
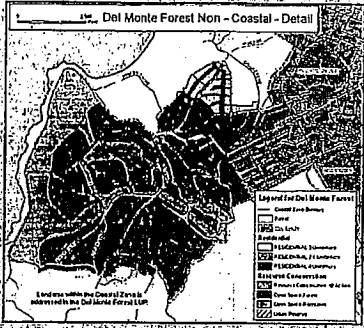
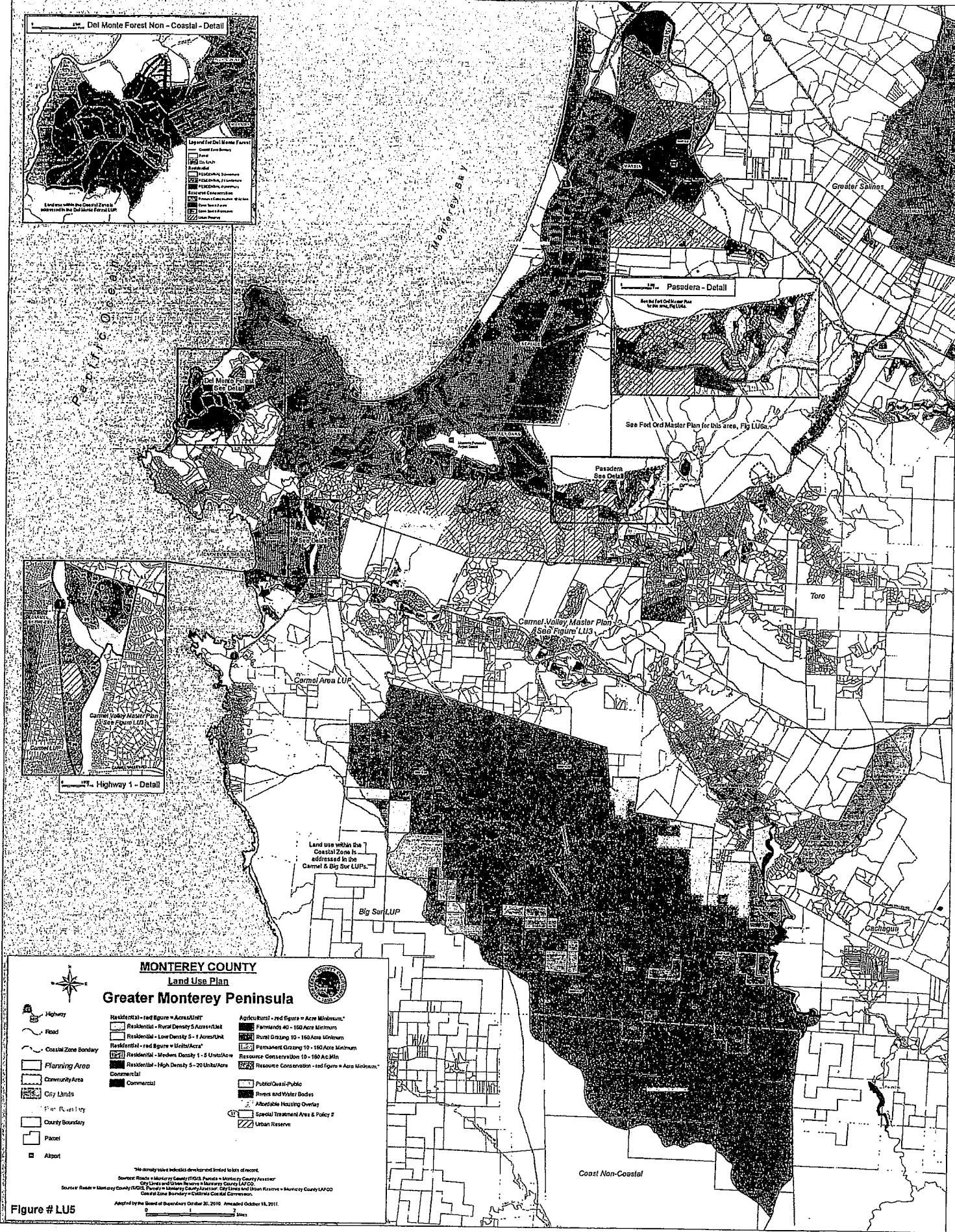
This opportunity is unique only to the Barnyard and creates a Special Circumstance.

**Finding 9- VARIANCE-Constitutes a grant of Special Privileges**

Each shopping center subject to the requirements of the zoning ordinance has the opportunity to apply for a Variance to amend its sign program. Because the needs of the centers differ, a one size fits all program is inappropriate. The Variance would not grant a Special Privilege, instead, due to the property's location and the existing lease with State Parks, the Variance would allow the Barnyard to utilize a prime advertising location to draw visitors to the center while subsequently increasing the economic vitality of the county.

**Finding 10- VARIANCE-Authorizes a use or activity not expressly authorized by the zoning regulations governing the subject parcel.**

Signs are allowed within the PQP, D and S districts with the proper permit. Therefore the Variance would not authorize a use or activity that is not expressly authorized.



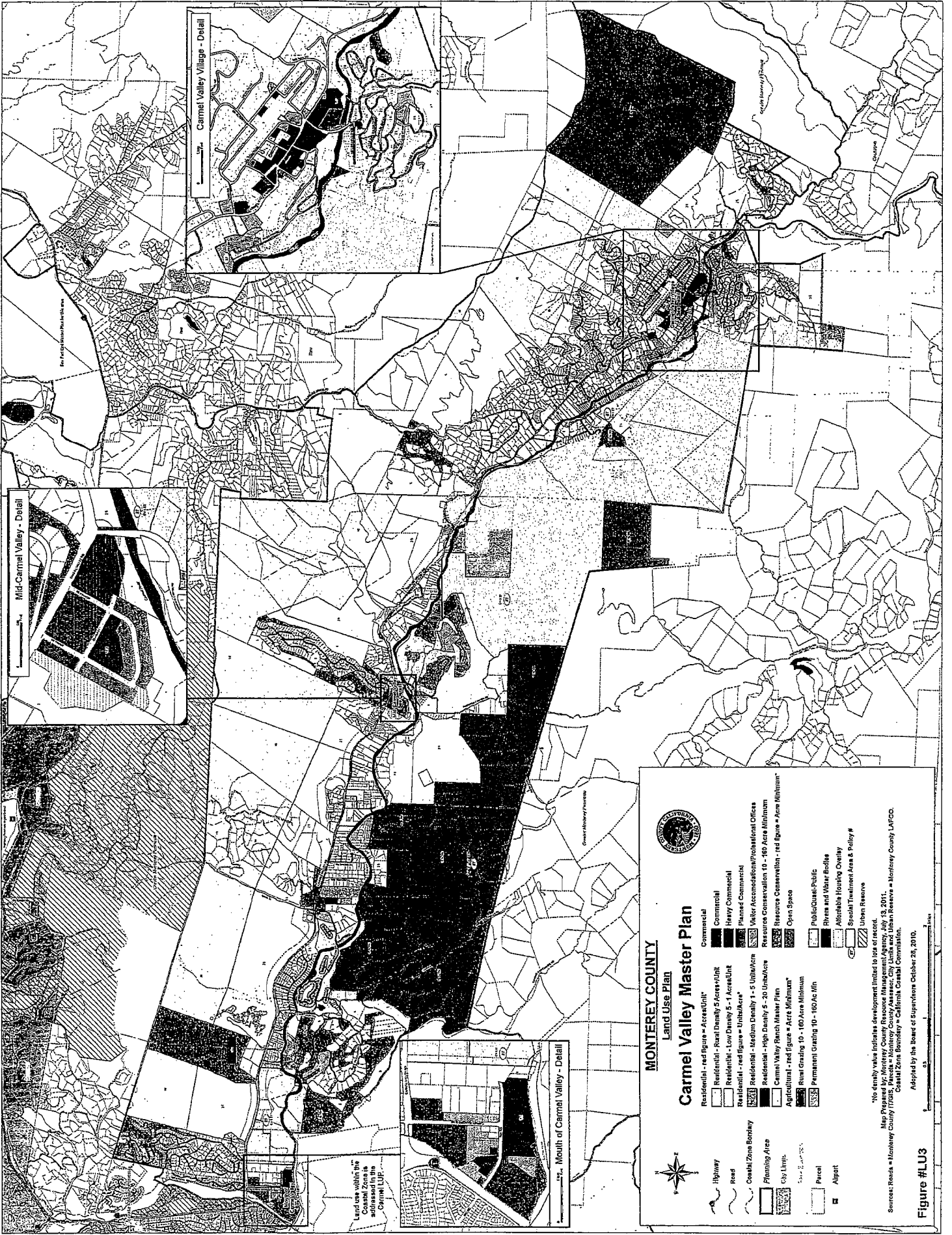
**MONTEREY COUNTY**  
**Land Use Plan**  
**Greater Monterey Peninsula**

- Highway
- Road
- Coastal Zone Boundary
- Planning Area
- Community Area
- City Lands
- County Boundary
- Parcel
- Airport
- Residential - Medium Density 1-5 Units/Acre
- Residential - High Density 5-20 Units/Acre
- Commercial
- Agricultural - Red Figure = Acres/Unit
- Farmlands 40-160 Acres Minimum
- Rural Grazing 10-160 Acres Minimum
- Permanent Grazing 10-160 Acres Minimum
- Resource Conservation 10-160 Acres Min
- Resource Conservation - Red Figure = Acres Minimum
- Public/Quasi-Public
- Rivers and Water Bodies
- Affordable Housing Overlay
- Special Treatment Area & Policy 2
- Urban Reserve

\*No density value indicated developed tracts of record.  
 Sources: Roads = Monterey County GIS/IGIS, Peninsula = Monterey County Assessor  
 City Lands and Urban Reserve = Monterey County GIS/IGIS  
 County Boundary = Monterey County Assessor, City Limits and Urban Reserve = Monterey County GIS/IGIS  
 Coastal Zone Boundary = California Coastal Commission  
 Airport = Monterey County Assessor  
 Aerial by the State of California October 20, 2010. Amended October 18, 2011.

**Figure # LU5**





Mid-Carmel Valley - Detail

Carmel Valley Village - Detail

Mouth of Carmel Valley - Detail

Land use within the Coastal Zone is shown in accordance with the Coastal LUP.

**MONTEREY COUNTY**  
**Land Use Plan**  
**Carmel Valley Master Plan**

Commercial  
 Residential - red figure = Acres/Unit  
 Residential - Rural Density 5-Acre/Unit  
 Residential - Low Density 5-1 Acre/Unit  
 Residential - red figure = Units/Acre  
 Residential - Medium Density 1-5 Units/Acre  
 Residential - High Density 5-20 Units/Acre  
 Carmel Valley Ranch Master Plan  
 Agricultural - red figure = Acre/Milgram  
 Rural Grading 10 - 160 Acre Minimum  
 Permanent Grating 10 - 160 Ac Min

City Limits  
 Parcel  
 Airport

Highway  
 Road  
 Coastal Zone Boundary  
 Planning Area  
 Open Space  
 Public/Quasi-Public  
 Rivers and Water Bodies  
 Affordable Housing Overlay  
 Special Treatment Areas & Policy#  
 Urban Reserve

Monterey County Seal

No density values indicate development limited to less than one acre.  
 Map Prepared by Monterey County Planning Department, October 13, 2011.  
 Sources: Revisa = Monterey County TRSIS; Parcels = Monterey County Assessor; City Limits and Urban Reserve = Monterey County LAPCO.  
 Coastal Zone Boundary = California Coastal Commission.  
 Adopted by the Board of Supervisors October 28, 2010.

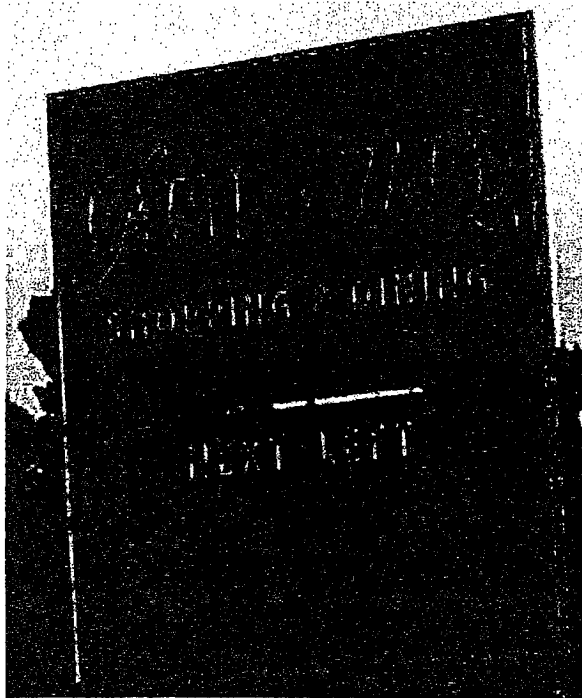
Figure #LU3

**Project Description:**

STATE OF CA DEPT OF PARKS & RECREATION THE  
(BARNYARD SHOPPING CENTER)

Combined Development Permit including: 1) General Development Plan to allow the addition of an approximately 2.6-acre portion of property owned by the California State Department of Parks (Assessor's Parcel Number 015-011-005-000) to the 3.5-acre site of the Barnyard Shopping Center (Assessor's Parcel Number 015-012-061-000); 2) Variance to allow signage for the Barnyard Shopping Center to exceed the maximum of 35 square feet allowed by the Zoning Ordinance; and 3) Design Approval for a new Signage Plan for the Barnyard Shopping Center including the construction of a 35 square foot monument sign fronting on State Highway One along a designated Scenic Highway Corridor. The properties are located generally on the southeastern corner of the Carmel Valley Road/Highway One intersection, (Assessor's Parcel Numbers 015-011-005-000 & 015-012-061-000), Carmel Valley Road Area, Carmel Valley Master Plan.

As of November 8, 2013



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