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NOTICE OF APPEAL

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MONTEREY COUNTY

2015 AUG 10 AM 11:05

CLERK OF THE BOARD

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Monterey County Code
Title 19 (Subdivisions)
Title 20 (Zoning)
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 8/10/15 (10 days after written notice of the decision has been mailed to the applicant).
Date of decision 7/29/15 (POSTED 7/31/15)

1. Please give the following information:

- a) Your name JAMES ROSS RILEY
b) Home Address 53 RAILROAD AVE MAILING: P.O. BOX 7223 City SPRECKELS, CA Zip 93962
c) Phone Number 831-540-5653

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>PLN 150371</u> | <u>COMBINED DEVELOPMENT PERMIT</u> | <u>SPRECKELS, CA.</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).

SEE ATTACHED LIST

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).

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).

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 \$ 1,728.07 and stamped addressed envelopes.

APPELLANT SIGNATURE James Ross Riley DATE 10 Aug. '15

ACCEPTED _____ DATE _____

(Clerk to the Board)

6. 1. The Findings or decision or conditions are not supported by the evidence. Given the projects wide range of potential tenants, from 800 – 200, how can a Negative Declaration be determined to be the appropriate environmental study level.

2. The decision was contrary to law. Again, given no definitive level of resident occupation, how can one make the correct determination about which body of environmental law needs to be adhered to.

7.

- The MND did not identify if "appropriate revisions" to the WWTF would have significant environmental effects and how the upgrades would be funded. PG 39
- Policy ~~GS-8~~ ^{GS-1.8} in the Greater Salinas Area Plan (GSAP) provides that the property may be developed as agriculturally related commercial uses provided the development meets certain conditions. The 2010 General Plan does not include a definition of "agriculturally related commercial uses." The MND does not explain how the provision of housing meets the requirements of the 2010 General Plan Agricultural Element and Policy GS-8 of the GSAP.
- The project conflicts with CEQA Appendix G, XIII: Population and Housing that would (a) induce substantial growth in an area, either directly or indirectly. The MND finds, "The project will accommodate agricultural employee housing at the project site, and is not anticipated to induce population growth in the surrounding area, including the nearby Town of Spreckels." This CEQA provision refers to substantial population growth in an area, and not "in the surrounding area" referenced above. The current population of Spreckels is approximately 710 people (2015 data). The proposed project could almost double the population in the area. This finding requires that an environmental impact report be prepared.
- The foregoing are some of the examples of non-compliance with CEQA and the failure to follow the 2010 General Plan and County Zoning Requirements.
- The preceding bullets are some of our specific reasons we disagree with the findings made and are not all inclusive.

