

Attachment D

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NOTICE OF APPEAL

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

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 March 24, 2025 (10 days after written notice of the decision has been mailed to the applicant).

Date of decision: February 27, 2025

1. Appellant Name: Jeanie Sears c/o Jennifer S. Rosenthal, Esq.

Address: P.O. Box 1021 Carmel Valley, CA 93924

Telephone: (831) 625-5193

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: Searle Philip A. & Banu Trust

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

| | Type of Application | Area |
|----|---|------------------------|
| a) | Planning Commission: PLN _____ | |
| b) | Zoning Administrator: PLN <u>240143</u> | <u>Carmel Land Use</u> |
| c) | Administrative Permit: PLN _____ | |

Notice of Appeal

5. What is the nature of your appeal?

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

- 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)

Please 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 ☒ X

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**

9. You must pay the required filing fee of \$3,716.10 (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 J Rosenthal - agent Date: 3/20/2025

RECEIVED SIGNATURE _____ Date: _____

**APPEAL OF SEARS FAMILY TO THE DECISION OF THE ZONING
ADMINISTRATOR APPROVING A COMBINED DEVELOPMENT PERMIT
(PLN240143)**

There was Lack of Fair and Impartial Hearing

- The proposed Resolution No.25 - PLN240143 is reaped with inconsistencies so much so as mistaking citing Title 21, referencing the existing home as single story when it is two-story, stating there is not tree removal then restating a non-native tree will be removed that the public has not been properly noticed as to what this project entails.

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 within the viewshed as seen from Highway 1, Scenic Roads, and public lands within Carmel segment and Carmel City Beach and contrary to the Resolution, this project will create adverse impacts scenic and visual resources.
 - Contrary to the findings, this site is not suitable for the project. The project site has been identified as previously housing a two-story residence and proposes a single story residence. The proposed single story residence includes building an 17' 9" foot solid Carmel Stone wall that will block scenic and visual resources. The 17'9" solid Carmel Stone wall will be seen by all those who drive by and from afar. It is not consistent with surrounding residences and will decrease any and all scenic visuals in its viewshed public and private. The proposed residence sits on the Bay View curve and the east elevation (Carmel Stone wall) looms into the street from the Southern side. The massive Carmel Stone Wall has an industrial quality similar to a commercial building and is unavoidable to notice from all those who pass by.
 - Contrary to the findings, this site is not suitable for the project. The East elevation overpowers the North end of the street and overwhelms the surrounding homes. This East elevation creates an imposing visual mass by the Carmel Stone wall directly within the public viewshed. The proposed material used to create the East Carmel Stone wall (almost 18 feet tall) create unavoidable brightness and are visually unconfirming creating a mass within the public viewshed. This side wall of the residence does not propose usage of any other materials similar to the design of the other angles, corners and walls of the building. The design is not consistent with other residences in the neighborhood.
 - Contrary to the findings, this site is not suitable for the project. The proposed structure sits on the lot in the same 20 foot setback and the present home. However, the proposed residence/foot print substantially increases the mass of the

new home in the front property setback. The East elevation as proposed will project an additional 11-12 feet from the existing wall. The proposed building placement on this particular lot with its size and shape creates a commercial looking building with unavoidable brightness and a heavy, flat roofline not consistent with homes in the neighborhood.

The Decision is Contrary to Law

- The findings are contrary to law.
- The project is inconsistent with the Carmel Land Use Plan, Title 20, Coastal Act and General Plan and ignores the following:
 - Carmel Land Use Plan 2.2.2: the purpose of the CLUP is “to protect the scenic resources of the Carmel area perpetuity, all future development within the view shed must harmonize and be clearly subordinate to the nature scenic character of the area.”
 - The project approval of a house in a designated Design Control Zoning District is contrary to the findings because it does not blend in with the surrounding built homes or the environment. Unlike other redesigned homes in the neighborhood this proposed residence will be positioned toward the front of the property and will include a 17’ 9” foot solid Carmel Stone Wall in the private and public view shed thereby destroying the harmony of the nature scenic character of the area.
 - Contrary to the approved Resolution this project will create an adverse impact to the scenic and visual resources.
 - Carmel Land Use Plan 2.2.3: “The design and siting of structures whether residential, commercial, agricultural, or public and access roads thereto shall not detract from the natural beauty of the scenic shoreline and the undeveloped ridge lines and slopes in the public view shed.”
 - The project approves a house in a designated Design Control Zoning District that contrary to the findings does not blend in with the surrounding built homes or the environment. Unlike other redesigned homes in the neighborhood this proposed residence will be positioned toward the front of the property and will include a 17’ 9” foot solid Carmel Stone wall in the private and public view shed thereby destroying the harmony of the nature scenic character of the area.
 - The findings of this project and resolution represent there will not be any trees removed and that there will be one non-native tree removed. Tree Removal Application: APPTRM240093 was submitted by the current property owner to remove a 50 year old Cypress Tree from the Northwest corner of the property. This application was submitted prior to the submitting of the proposed residence and redevelopment of the land. The majestic Monterey Cypress is a historical structure in the neighborhood and its presence improves the visual quality of the scenic area. The proposed project would not be achievable if the tree remained on site. The

- arborist report claims the tree is hazardous. An independent evaluation of the trees condition has not been completed.
 - Camel Land Use Plan 10.c: “Structures located in the viewshed shall be designed so they blend into the site and surroundings. The exterior of the building must give the general appearance of natural materials.....The height and bulk of the buildings shall be modified as necessary to protect the viewshed”.
 - The proposed new home is an incompatible development with the surrounding coastline and does not blend into the site and surroundings. The proposed massive wall is planned to be built with Carmel Stone, however, the height, scale and color of the massive and solid 17’ 9” foot stone wall does not blend into the environment or neighborhood whatsoever and will have an overwhelming presence to all that pass by.
 - 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 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:
 - “Phase 1 Historical Assessment” (LIB240309)
 - “Geotechnical Investigation” (LIB240308)
 - “Phase 1 Archaeological Assessment” (LIB240307)
 - 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.

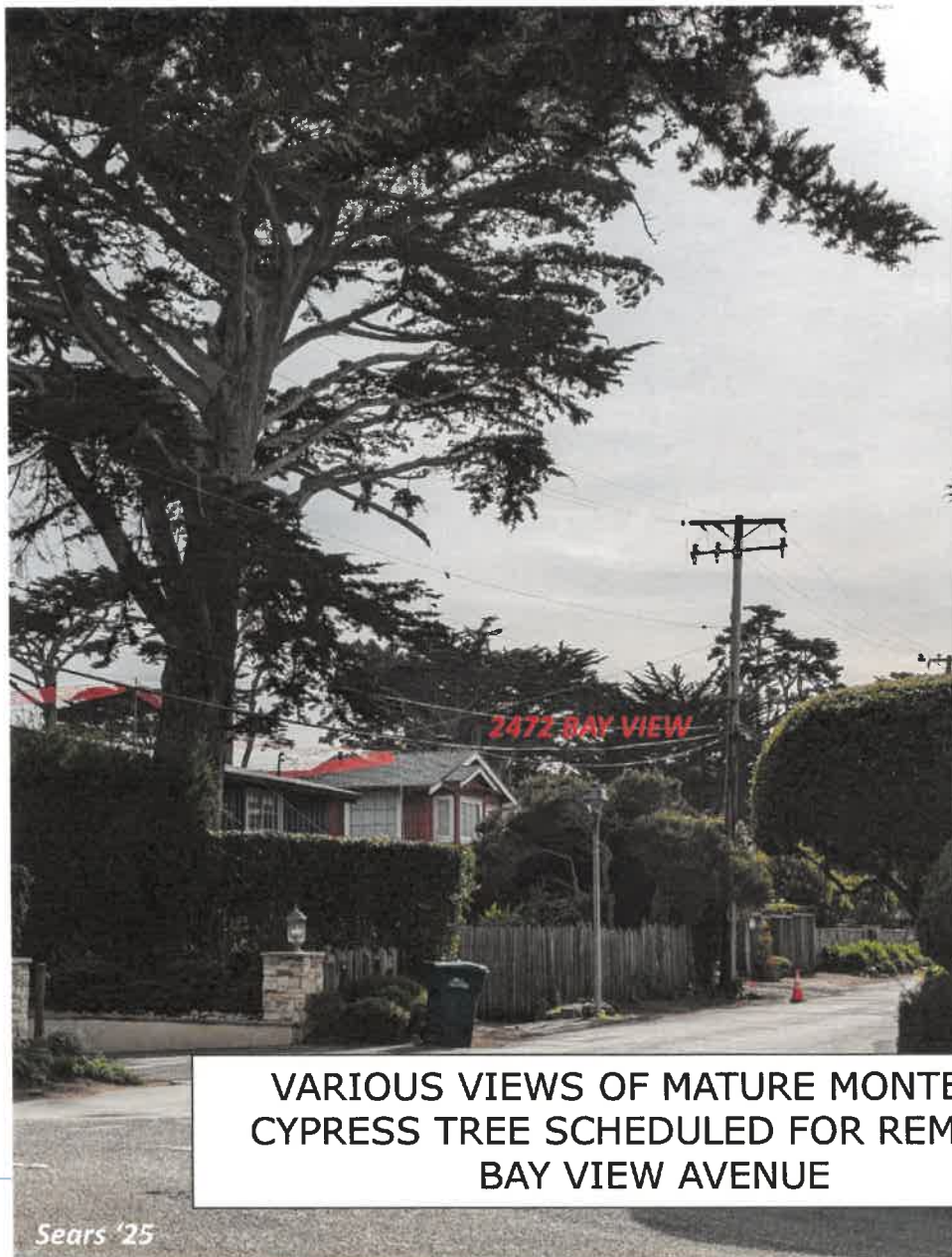


LOOKING NORTH SECOND FLOOR BALCONY
2472 BAY VIEW AVENUE



Fig 1

SEARLE PHILIP & BANU TRS
PLN240143
SEARS '25



VARIOUS VIEWS OF MATURE MONTEREY
CYPRESS TREE SCHEDULED FOR REMOVAL
BAY VIEW AVENUE



SEARLE PHILIP & BANU TRS
PLN240143
SEARS '25

Fig 3