

Attachment D

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NOTICE OF APPEAL

Monterey County Code

Title 19 (Subdivisions)

Title 20 (Zoning)

Title 21 (Zoning)

RECEIVED
MONTEREY COUNTY

FEB - 8 2023

CLERK OF THE BOARD

James H. A. 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 9, 2023 (10 days after written notice of the decision has been mailed to the applicant).

Date of decision: January 25, 2023

1. Appellant Name: Samuel Reeves C/O Anthony Lombardo

Address: 144 West Gabilan, Salinas CA 93901

Telephone: 831-751-2330

- 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:

Massy Mehdi pour/Signal Hill, LLC

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- PLN100338 Signal Hill, Pebble Beach, Coastal Zone
- b) Zoning Administrator: ZA- _____
- c) Administrative Permit: AP- _____

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? 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)

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 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.

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APPELLANT SIGNATURE Dale JH for Sam Reor Date: 2/8/23

RECEIVED SIGNATURE _____ Date: _____

APPEAL OF SAM REEVES TO THE DECISION OF THE PLANNING COMMISSION
APPROVING A COMBINED DEVELOPMENT PERMIT (PLN100338)
SIGNAL HILL, LLC/MASSY MEHDIPOUR

THERE WAS A LACK OF FAIR AND IMPARTIAL HEARING

- The applicant was allowed to speak for approximately 40 minutes during which time, incorrect statements regarding material facts and as well as numerous personal attacks were made. The staff made no effort to correct those statements.
- The applicant was allowed to interrupt speakers and argue points made by other speakers during the public comment period without allowing the speakers a chance to respond to or correct the applicant's statements.
- The Chair, despite allowing the applicant to speak for 40 minutes, allowed only three minutes each for other speakers, thereby not allowing those speakers a sufficient opportunity to present evidence or to respond and correct the applicant's many erroneous statements regarding the true facts of the history, circumstances of this application.

THE FINDINGS ARE NOT SUPPORTED BY THE EVIDENCE

The findings are replete with statements that are not supported by substantial evidence as defined by the California Environmental Quality Act. For example:

- The Del Monte Forest Land Use Advisory Committee has not reviewed the recommended project or the significant information in the FEIR. The LUAC heard this application in 2011, over 11 years ago and made no recommendation (Finding 1, evidence p). The project and facts have changed in that time and the current LUAC did not have benefit of the FEIR for their discussions.
- The site is *not suitable* for the project. The project site is environmentally sensitive habitat (ESHA). The project will expand the building site further into the habitat contrary to the policies of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan and the Coastal Act. (Finding 2).
- There have been continual violations on this property since at least 2009. There have been many inspections of the property, all of which have confirmed ongoing violations and continuing deterioration of the property due to the applicant's failure to carry out the corrections and maintenance measures of the stipulated agreement between the applicant and the County to protect and preserve the Connell House from further deterioration. Penalties and fees remain unpaid. (Finding 4 evidence (a)).
- The evidence does not disclose that despite a stipulated agreement and multiple inspections by the County, the violations have continued to exist, the property has not been maintained and the terms of the stipulated agreement have been routinely violated. The applicant has allowed the house to be lived in and additional construction work to be done despite the stipulated agreement's orders to the contrary. (Finding 4, evidence (b)).
- The findings state "Preservation of the Connell House has been considered but was found to be "practically infeasible." The FEIR, which was certified by the Planning Commission, identifies multiple feasible alternatives for the preservation of the Connell

House. There is no evidence in the record as to why any or all of the feasible alternatives found in the certified FEIR are now considered to be “practically infeasible.” (Finding 7, evidence (b).) Essentially, staff is concluding that restoration is not feasible is because of the on-going violations and the damage and deterioration caused by Ms. Mehdipour.

The Preservation Alternative (Alternative 1) and presumably the other feasible alternatives were not rejected because they were not feasible. The alternatives were rejected because “the property owner has clearly expressed that they will not actually implement this alternative. Should a project be approved that does not involve demolition of the existing structure, it is likely that the near-term impacts would be similar to the “No Project” alternative.... Additionally, while no exact numbers are available, the Preservation alternative would likely cost as much as demolition and new construction, but result in a smaller house that is undesirable to the property owner...” (Finding 4, evidence (b)).

The findings do not disclose, nor was the Planning Commission advised, that the staff advised the Historic Resources Review Board that “From a legal perspective, denial of the proposed rebuild, and approval of a project alternative that does not include demolition of the existing structure, will also likely lead to lawsuits from the property owner...”. That statement, we believe, influenced the staff and HRRB recommendations.

- The findings state “The EIR evaluated a reasonable range of potentially feasible alternatives to the Full Height Project in compliance with CEQA Guidelines section 15126.6.” The FEIR identified several alternatives and determined they were feasible or not feasible. There were no alternatives identified as “potentially feasible” (Finding 8).
- The “evidence” provided for overriding consideration cannot be considered to be substantial evidence as required by CEQA. They are generic statements, with no evidence, which would be applicable to any project built on this site or any other site in the County. The “findings and evidence provide no information or substantial evidence as to how the substantial adverse impacts are outweighed by economic, legal, social, technological or other benefits of the project as required by CEQA Guidelines Section 15093.” (Finding 9).

THE DECISION WAS CONTRARY TO LAW

- The findings are not supported by substantial and in some case complete or correct evidence.
- The project is in conflict with the requirements of the Coastal Act and State law. The court’s decision in the Bolsa Chica case was clear that the only uses allowed in ESHA, even when it is disturbed and degraded ESHA, are resource dependent uses. The construction of a 15,000 SF house expanding into ESHA is not a resource dependent use.
- The project is inconsistent with the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan, Title 20, the Coastal Act and the General Plan in that it:

- Approves conversion of environmentally sensitive habitat for residential use when ample opportunities for reasonable development exist within the existing buildable area;
- Approves ridgeline development when there are clear and reasonable alternatives that would not be ridgeline development; and,
- Approves a house three times the average size of homes in the Signal Hill neighborhood in direct conflict with the Design Control District (Monterey County Code Section 20.44.010) and Policies 47 and 53 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.



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CLERK OF THE BOARD

Emmanuel H. Santos DEPUTY

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Date of decision: 1/25/2023

1. Appellant Name: NEUTRA INSTITUTE FOR SURVIVAL THROUGH DESIGN

Address: 651 SINEX AVE K115

Telephone: 510 375 3451 (DR. R NEUTRA PRESIDENT)

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

Applicant ☐

Neighbor ☐

Other (please state) ADVOCATE

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

NABSY MENDIPOUR

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>PLN100338</u>	<u>DEL MONTE FOREST</u>
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? 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)

N/A

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)

HEARING: NO TIME TO REBUT APPLICANT'S FALSE STATEMENTS ETC

FINDINGS: NOT TRUE THAT PROJECT IS CONSISTENT WITH POLICIES
NO PROOF THAT HISTORIC BLDG COULD NOT BE RESTORED

LAW: CEQA DOES NOT ALLOW TAX REVENUE TO BE
CONSIDERED

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 DETAILED MATERIALS ATTACHED

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.)
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APPELLANT SIGNATURE

1 [Signature]
RAYMOND NEJERA

Date: 2/8/2023

RECEIVED SIGNATURE

Date: _____

NOTICE OF APPEAL

Appeal of Planning Commission decision of 1.25.23

The Planning Commission hearing was not fair or impartial.

- The applicant was granted much more time to present her case than the Commission typically grants. The applicant also spoke several more times, interrupting commenters, while others were not given the opportunity to speak again.
- The applicant made false statements after the public comment period, but no time was allowed for rebuttal.
- The neighbor's attorney was granted much less time than typically allowed.
- The letter from Anthony Lombardo and Associates cited numerous issues with the staff report, but insufficient time was allowed for the presentation. (see Attachment 1)
- Several Commissioners stated that they relied on the recommendation of the Historic Resources Review Board (HRRB). However, they did not seem to be knowledgeable about that decision, which removed any mention of overriding considerations.

The findings are NOT supported by the evidence.

Finding: The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- The project is NOT consistent with the Del Monte Forest Land Use Plan, confirmed by the Pebble Beach Company's letter of 1/24/23. (See

attachment 2). The applicant has not applied for review and approval from the Pebble Beach Architectural Review Board, which is a requirement noted in all deeds in Del Monte Forest.

- The project is NOT consistent with the Monterey County Coastal Implementation Plan as confirmed by the California Coastal Commission in letters from 2015, 2018 and 2023. The project intrudes further into ESHA and is detrimental to the public viewshed (see attachments 3-5).
- The project is NOT consistent with the Monterey County Zoning Ordinance (Title 20). Demolition of a National Register-eligible property cannot be mitigated to a less than significant impact. The condition of the home after the application was made should not be considered. This issue is addressed in letters from the California Preservation Foundation. (See attachments 6-7)
- The project is NOT consistent with Goal 52 of the Monterey County General Plan (1982): To designate, protect, preserve, enhance, and perpetuate those structures and areas of historical, architectural, and engineering significance which contribute to the historical heritage of Monterey County..."

Finding: Preservation of the Connell House was considered but was found to be infeasible. Reasonable mitigation is proposed that would require documentation of the house...

- No evidence has been presented to demonstrate that all preservation options are infeasible. Poor condition does not mean that preservation is not feasible (see attachment 7).
- Documentation is not reasonable mitigation for the demolition of a significant historic resource.
- There is no economic hardship preventing restoration of the damage incurred under the current ownership. The applicant purchased an

occupied house, rented it out for 3 years after the purchase, and then allowed it to deteriorate to its present condition.

- Alternative 1 (the environmentally preferable alternative) would avoid negative impacts to the historic resource _ and complies with all land use policies, codes and laws.
- Reconstruction is an acceptable preservation treatment under the Secretary of the Interior's Standards; the building plans and the information needed to do this are available.

Finding: "...the benefits of the project outweigh its unavoidable significant environmental impact. Each benefit set forth below constitutes an overriding consideration warranting approval of the project despite the identified unavoidable impact.

"The project would result in a custom-built estate home within a setting that is known to support this type of development and represents consistent application of development policies absent the historic resource considerations."

- The proposed project is significantly higher and larger than neighboring houses.
- The demolition of the historic resource does not benefit the community or the county as a whole.

Finding: The project will create economic benefits to the County and the community...through the creation of new property tax revenue through higher property valuation."

- CEQA does not allow an increase in tax revenue to be considered.

The decision was contrary to law for the reasons cited above and the fact that the Statement of Overriding Consideration is not consistent with CEQA.

a Mothballing Plan (Resolution No. 15CP01861). On January 5, 2023, the HRRB reviewed the project and made a recommendation to the Planning Commission to approve the Reduced Height Alternative, Alternative 9 of the EIR (voted 3 ayes and 1 no with 1 abstaining, 2 recused). See Finding 13 for more detail on historic resources.

13. FINDING:

VIEWSHED/RIDGELINE DEVELOPMENT: The RH Project will not create a substantial adverse visual impact when viewed from a common public viewing area and no alternative location exists on the subject site which would allow a reasonable development without the potential for ridgeline development.

EVIDENCE: a)

The proposed house is located on a ridgeline off 17 Mile Drive. The existing house is one story and blends well with the site and the hills and trees in the background when viewed from 17 Mile Drive and viewpoints off 17 Mile Drive. Views from 17 Mile Drive and viewpoints along 17 Mil Drive are an important resource and are protected pursuant to the Del Monte Forest LUP. The Project will be a maximum of 25 feet above average natural grade. The Project (Reduced Height Project, Alternative 9 in the EIR) is taller than the existing structure on the property and the EIR found it to present an exposed face appearing approximately three times larger than that of the existing structure (Alternatives Analysis, Chapter 5 of the Final EIR). The increase in height will increase the visibility of the structure when viewed from 17 Mile Drive and Fanshell Beach.

6. FINDING:

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES IDENTIFIED IN THE EIR AND ADOPTED FOR THE PROJECT – The Project would result in significant and potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the EIR into the conditions of Project approval. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the draft FEIR. This Resolution incorporates all the mitigation measures that were identified in the Signal Hill LLC Final EIR and makes them conditions of approval of the Project. All potentially significant environmental impacts can be mitigated through the measures cited in the Final EIR, except for impacts to the existing historic residence.

9. FINDING:

STATEMENT OF OVERRIDING CONSIDERATIONS -

The Planning Commission has weighed the project's economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits against its unavoidable significant environmental impacts. The Planning Commission finds that the benefits of the project outweigh its unavoidable, adverse environmental impact. Each benefit set forth below constitutes an overriding consideration warranting approval of the project despite the identified unavoidable impact. Additionally, each benefit, standing on its own, is sufficient to support this Statement of Overriding Considerations.

EVIDENCE: a)

The RH Project will have a significant unavoidable impact on historic resources from the demolition of the Connell House.

Signal Hill LLC (PLN100338)

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However, the RH Project will result in development that will provide benefits described herein to both the surrounding community and the County as a whole. In balancing the public good in approving this project against the unavoidable significant impacts identified, the Commission finds that the benefits of the project outweigh the unavoidable adverse environmental effects. The project would provide the following benefits to the public:

- i. The Project would result in a custom-built estate home within a setting that is known to support this type of development and represents consistent application of development policies absent the historic resources considerations.
- ii. The Project will permanently preserve approximately 1.67 acres of sand dune habitat and open space on the project site. Mitigation Measures and monitoring activities of this project require the preservation and long-term management of this area.
- iii. The Project will include offsite restoration of coastal dune, either through direct implementation or through in lieu fee. Offsite restoration is anticipated to take place through in lieu fee in the Asilomar Dune Complex, thereby improving the long-term viability of the ecosystem beyond this parcel. As outlined in Finding 8, evidence d, the applicant would be unlikely to participate in the restoration of coastal dune offsite if they are granted an entitlement that does not include demolition and new construction.

construction.

- iv. The Project will create economic benefits to the County and the economy through the creation of jobs for construction (temporary), and the creation of new property tax revenue through higher property valuation.
- v. The Project includes demolition of a dilapidated structure. By granting the demolition permit, hazardous and unsafe conditions of the existing structure could be corrected. Although technically feasible, preservation of the Connell House would require at least some degree of tear down and reconstruction due to the unstable structural conditions of the existing building. The applicant has repeatedly expressed to staff that they do not wish to live in the Neutra designed house. A best-case outcome of not granting the demolition permit is that the applicant would invest the large amount of time and money required to preserve the house and clear the violation, then resell the property. Another outcome could be that they would sell the property without improving the structure because the Preservation Project entitlement would clear the violation. It is difficult to predict a buyer for the property with Preservation as the active permit would step forward. The worst-case outcome would be that the

ial Hill LLC (PLN100338)

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applicant is granted the entitlement only for the Preservation Alternative and would not comply with the requirements. In that case, the Aesthetics and Historic Resources impacts would be similar to the No Project Alternative, which the EIR concluded were worse than Preservation.

- e) Historic Resources Review Board. The originally proposed project was referred to the Historic Resources Review Board (HRRB) for review on three occasions. On August 4, 2011, the proposed demolition of the existing house was discussed and the HRRB voted unanimously to deem the residence significant under State of California Criterion 3. On March 6, 2014, the HRRB reviewed a referral from the State Historic Preservation Officer (SHPO) and voted in favor of listing the Connell house on the State and National Registers of Historic Resources. On August 6, 2014, August 24, 2015, and September 3, 2015, the HRRB considered plans to address damage and neglect of the existing house and voted to approve

RAYMOND RICHARD NEUTRA M.D. Dr. PH

President, Neutra Institute for Survival Through Design

www.neutra.org

651 Sinex Avenue

Pacific Grove, CA 93950

(510) 375 3451

raymondneutra@ gmail.com

February 7, 2023

Monterey County Board of Supervisors

P.O. Box 1728

Salinas CA 93902

cob@co.monterey.ca.us

SUBJECT: SIGNAL HILL RESOLUTION- PLN100338

Honorable Supervisors:

I am writing to appeal the January 25 2023 decision of the Monterey Planning Commission to allow destruction of Richard Neutra's historic Connell House just above 17 Mile Drive in Pebble Beach. As has been outlined by the Association of Monterey Area Preservationists, the procedures to allow adequate time to opponents were grossly inadequate and the reasons justifying the decisions both by the Commission and the HRRB included falsehoods and misinterpretations rendering their respective concluding decisions unsupported by logic.

I am president of the Neutra Institute for Survival Though Design, a 5013c organization founded in 1962 by my architect father. Its mission is to preserve and use the Neutra legacy to promote creative research and designs that benefit people and the planet. The Connell House was designed for photographer Arthur Connell, to nestle in the dunes above 17-mile drive (see attachment B) and has been featured in a number of publications of my father's work. It is the last remaining trace of his connection to this county that started with lectures in Carmel in 1928, his long-term friendship with Edward and Brett Weston and radio personality John Nesbitt. His 1940 Davy House on Jack's peak has been altered beyond recognition, so this is his remaining contribution to this area.

I realize that there are deep philosophical differences about whether the community at large should have any ability to interfere with the rights of property owners, either to protect historical properties or to protect the environment. The remedy for such libertarian concerns is to change the laws, not to ignore or purposely misinterpret them.

Yet this is exactly with the HRRB and the Planning Commission have done. If you allow this to stand you are establishing a precedent which will endanger all historic properties in your county going forward.

In June 2015 Ms. Taluban reported that someone had spent hours using a chain saw to cut through the structural supports of the Connell house. Note: the house had been certified as historically significant four years previously. At that time there were two possible explanations of this purposeful destructive act:

- 1) A new kind of vandal had emerged that was attacking properties. This would have put other sites in danger.
- 2) The owner who had requested a permit to tear the house down had some kind of connection to the vandalism (she continues to deny this explanation)

Neither the county nor the owner demanded a thorough investigation at the time to decide between these two explanations.

Now the HRRB and the Planning Commission are recommending that the historic structure be torn down because it has been damaged beyond repair and has been allowed to deteriorate further after chain saw episode. This sends a message to other purchasers of historic properties.

"Any intentional damage or neglect that threatens your historic property will not be seriously investigated and once the damage has occurred the county will deem it a sufficient reason to ignore its historicity and permit you to tear it down to make way for whatever project you propose."

(See Attachment A documenting deterioration between 2012 , two years after Mehdi-pour's own consultant told her that her house was historic, and the present)

The HRRB set a bad precedent in another way. They essentially took the owners word as to the difficulty of restoring the house and declared that a restored house would not have sufficient original fabric to qualify it as historic. On these grounds the HRRB and the Planning Commission went along with the county staff's recommendation to tear down the Connell House.

But the fact that the original historic fabric is damaged or missing does NOT preclude restoration of a building in ways that are in full compliance with the Secretary of Interior's Standards for the Treatment of Historic Properties and the related Guidelines. <https://www.nps.gov/orgs/1739/upload/treatment-guidelines-2017-part2-reconstruction-restoration.pdf>);

Indeed, even a full-scale reconstruction of the house could be accomplished in a manner consistent with the Standards and The Guidelines. There is a full set of plans for this house at the Richard Neutra Archive at UCLA that could guide such efforts.

Furthermore, the January 18, 2023 photographs in Attachment A show there is substantial original fabric in any case.

Please reverse these two faulty actions and avoid setting a terrible precedent for historic preservation in your county.

Sincerely yours

Raymond Richard Neutra MD DrPH
President

ATTACHMENT A (To Neutra's letter of Feb 7, 2023)

HOW THE CONNELL HOUSE HAS BEEN ALLOWED TO DETERIORATE

January 2012



January 2023







Attachment B Connell House When New









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FEB 13 2023

CLERK OF THE BOARD

DEPUTY

VICENTE RAMIREZ

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Date of decision: 1/25/2023

1. Appellant Name: Alliance of Monterey Area Preservationists

Address: PO Box 2752, Monterey CA 93942

Telephone: 831-324-0186

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

Applicant ☐

Neighbor ☐

Other (please state) advocate

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

Signal Hill LLC? Massy Mehdi pour

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- PLN100338 Del Monte Forest

b) Zoning Administrator: ZA- _____

c) Administrative Permit: AP- _____

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APPELLANT SIGNATURE

Mimi Sheridan
Mimi Sheridan, President. AMAP

Date: February 9, 2023

RECEIVED SIGNATURE

Date: _____

NOTICE OF APPEAL

Appeal of Planning Commission decision of 1.25.23

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The findings are NOT supported by the evidence.

Finding: The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- The project is NOT consistent with the Del Monte Forest Land Use Plan, confirmed by the Pebble Beach Company's letter of 1/24/23. The applicant has not applied for review and approval from the Pebble Beach

Architectural Review Board, which is a requirement noted in all deeds in Del Monte Forest.

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- The project is NOT consistent with the Monterey County Code (Title 18). Demolition of a National Register-eligible property cannot be mitigated to a less than significant impact. The condition of the home after the application was made should not be considered. This issue is addressed in letters from the California Preservation Foundation.
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Finding: Preservation of the Connell House was considered but was found to be infeasible. Reasonable mitigation is proposed that would require documentation of the house...)

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- Alternative 1 (the environmentally preferable alternative) would avoid negative impacts to the historic resource and would comply with all land use policies, codes and laws.
- Reconstruction is an acceptable preservation treatment under the Secretary of the Interior's Standards; the building plans and the information needed to do this are available.

Finding: "...the benefits of the project outweigh its unavoidable significant environmental impact. Each benefit set forth below constitutes an overriding consideration warranting approval of the project despite the identified unavoidable impact.

"The project would result in a custom-built estate home within a setting that is known to support this type of development and represents consistent application of development policies absent the historic resource considerations."

- The proposed project is significantly higher and larger than neighboring houses.
- The demolition of the historic resource does not benefit the community or the county as a whole.

Finding: The project will create economic benefits to the County and the community...through the creation of new property tax revenue through higher property valuation."

- CEQA does not allow an increase in tax revenue to be considered.

The decision was contrary to law for the reasons cited above and the fact that the Statement of Overriding Consideration is not consistent with CEQA.



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