

FEB 04 2025



Clerk

## CITY OF CARMEL-BY-THE-SEA APPEAL FORM

Appeals to a Board or Commission must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 calendar days following the date of action** and paying the required filing fee as established by City Council resolution.

Appeals to the City Council must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 working days following the date of action** and paying the required filing fee as established by City Council resolution.



No fee -  
Appeal Jurisdiction  
overlaid

## Hastings Construction

Name of Appellant

11 Thomas Owens Way, Ste. 201 Monterey, CA 93940

Mailing Address of Appellant

831-620-0920

design@hastingsconstruction.com

Phone Number

Email address

Send correspondence to the following party (if different than Appellant):

Liyoong Lim

Name

[REDACTED]

Mailing Address

[REDACTED]

[REDACTED]

Phone Number

Email address

## Planning Commission

Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address): Casanova St 2 SE Palou Ave

3

11 (eye-eye)

010-225-003-000

Lot

Block

APN

Date of decision being appealed: 01-15-25

Specific action or decision being appealed: Denial of DS 22-057

Grounds for appeal (attach additional pages if necessary): (see letter attached)

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

[REDACTED]

Signature of Appellant



HASTINGS  
CONSTRUCTION  
INC.

January 29, 2025

City of Carmel-by-the-Sea

Re: DS 22-057 | Project Address: N. Casanova 2 SE Palou  
APN: 010-225-003-000 | Owner: Ms. Liyoong Lim

Dear City Council Members,

On January 15, 2025, this project was brought before the Planning Commission for a 4<sup>th</sup> time and was denied even though the proposed home complies with all City ordinances, zoning, codes and guidelines relating to height, materials, location, size, coverage, shared views, etc. The Commission's reasoning for repeated continuances and ultimate denial is they felt we had not made enough of an effort to address the view complaints of the northern neighbors. We disagree and feel their decision has not considered what is principally permitted.

We have redesigned the home and made numerous changes in attempt to resolve the northern neighbor's complaints. We met with them in 2022, walked their home, and made changes before coming to hearing. This project has been brought before the Commission three times prior to the January 15<sup>th</sup> hearing. At each hearing we were directed by the commission to redesign the project to reduce impacts to the northern neighbor and each time made significant reductions in impact, which is corroborated by Planning Staff in their Staff Reports. We redesigned the home so that main living spaces face south for privacy. We have lowered the home substantially so views over the home are maintained. The upper level has been moved as far south as possible from the northern neighbor to preserve reasonable light access and privacy. We have removed all windows and skylights facing their home to maintain privacy. The oak tree canopies between the two properties screen the proposed structure well and will be maintained. All this has been done with respect to the northern neighbor, while also maintaining views through the property shared by other neighboring homes, as per Design Guidelines, Section 5.3.

The view in question is of the forest and tree canopy. It is not a significant coastal view and is not an "Important view" as described per the Design Guidelines sections 5.1-5.3 as it is not of oceans, canyons, or streets. Their view is not protected by legal means via an easement or deed restriction. We understand the importance of views in this community and that there needs to be a balance, but that is lacking in this case. There has been no consideration for Ms. Lim's right to the same shared view opportunities as the northern neighbor. No single property has a greater right to views than others, however the northern neighbor's rights to this view have taken precedence over the construction of Ms. Lim's home and her wish to have access to these canopy views.

After 4 attempts, there is no compromise that can be reached with the northern neighbor's as they consider any impact to their view to be significant, which is not reasonable. Ms. Lim has every right, per municipal code, to construct a home of this size, height, etc. and to deny a property owner their right to build on their own land within regulation is not reasonable or fair. Our hope is that by bringing this to City Council this project can be reviewed objectively and reasonably.

Thank you,

Angie Phares

Designer | Hastings Construction, Inc.