

# Attachment G

## Project Correspondence



**ATTACHMENT G****Robinson, Delinda x5198**

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**From:** Barry Smith [bsmith@valleybusinessbank.net]  
**Sent:** Monday, August 13, 2012 6:08 PM  
**To:** Robinson, Delinda x5198  
**Subject:** RE: Just sent my bullet points to you to submit to Board

Another question if I may Delinda –

If the tree planting has been approved as well as fence I would like to know what the County's position is on tree height.

In our situation, if the newly planted trees on county land grow over 6 feet (the Merritts have planted trees that grow to 50-60 feet in height) then the little bit of ocean view we have will be gone. This also would cause our neighbors just to the North of us to lose their view also. They will be speaking to this issue at the appeal. This would definitely devalue both our properties. There has been cooperation for years in keeping trees trimmed in our neighborhood so all neighbors can have ocean views. They have a view – Why take our view away? The Merritts have a fine view themselves and by the county approving the trees on county land and with no height limit would ruin our views. Will or can the county restrict the height of the planted trees? Currently they have a 6 foot hedge which isolates them from our property. Why is this not sufficient? Why trees?

Please forward to Board if appropriate.

Most sincerely,

Barry Smith

**Barry Smith M.D.**

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**From:** Robinson, Delinda x5198 [mailto:robinsond@co.monterey.ca.us]  
**Sent:** Wednesday, August 08, 2012 4:42 PM  
**To:** Barry Smith  
**Subject:** RE: Just sent my bullet points to you to submit to Board

Barry,

I received your e-mail and will include it with the packet to the Board of Supervisors. I look forward to meeting you at the hearing.

*Delinda Robinson  
Senior Planner  
Monterey County RMA-Planning Department  
168 West Alisal Street, Second Floor  
Salinas, CA 93901  
(831) 755-5198*

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**From:** Barry Smith [mailto:bsmith@valleybusinessbank.net]  
**Sent:** Wednesday, August 08, 2012 4:26 PM

08/17/2012

**To:** Robinson, Delinda x5198

**Subject:** Just sent my bullet points to you to submit to Board

Hi Delinda – Did you get this email and can you place my bullet point remarks in a place the Board will be sure and read? Thanks, Barry

**Barry Smith M.D.**

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**Robinson, Delinda x5198**

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**From:** Barry Smith [bsmith@valleybusinessbank.net]  
**Sent:** Wednesday, August 08, 2012 4:23 PM  
**To:** Robinson, Delinda x5198  
**Subject:** Appeal of Fence on South San Luis Drive - Carmel

To Whom this may concern  
 Monterey County Board of Supervisors:

After numerous correspondences with Delinda Robinson I have decided to forward my bullet points ahead of time. We are hopeful the board will not approve this fence or at the very least make modification in the approval to satisfy the Smiths and Merritts.

1. The first question is why this fence must be constructed-placed on county property in the first place especially when they could just as well place this fence along their own property line like everyone else? As designed, Their argument that it would secure their property is not true. They could better secure their property by following their own property line.
2. The Merritt's also claim they are replacing a preexisting fence. This is only true in the fact that a fence did exist and they removed. They also failed to mention the previous fence was located approximately 6 feet to west of the proposed location. What they failed to mention is that it was 3 feet high, not 6 feet, and made of wire. The new replacement fence is hardly a replacement of the previous old fence both in location and height and style. The proposed location transects a portion of a landscaped garden which has existed on county property for more than 50 years. If the county allows a fence on their land, I would respectfully request a modification to the approved design plan so that the original fence line be used and the original height of fence to approved (3 feet) not a 6 foot height. This would not be nearly as obtrusive. We could accept this compromise but vehemently oppose the currently approved design for reasons mentioned.
3. My wife and I feel strongly that any design approval by the county should take into consideration both property owners viewpoints especially when the decision directly affects an adjacent property owner. We have confidence in the appeal system and ask for some modification. We would like to work this out with our neighbors but phone calls have not been answered or returned. If no reasonable decision ( compromise) can be reached by both parties then I suggest no fence of any sort be allowed on county land. Why create ill will among its citizens and neighbors?
4. We have no problem with the Merritt's wanting to replace trees that were cut down. We like trees. The trees that we cut down were over grown, leaning, with numerous dead branches. The tree were planted by previous owners. We were not aware that they were planted on county soil at the time of removal.
5. Maybe a solution-compromise for everyone would be to have a natural barrier of trees along the ORIGINAL fence line. This would allow the Merritts to create a barrier they want. This natural barrier would blend into the surrounding landscape of trees.

Thank you for your time and consideration in this matter ,

Sincerely,

Barry ad Tricia Smith

**Barry Smith M.D.**

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Jeffery R. Gilles

Dennis C. Beougher  
Patrick S.M. Casey  
Amy Purchase Reid  
Jason S. Retterer  
Paul Rovella  
Bradley W. Sullivan  
James W. Sullivan

E. Soren Diaz  
Of Counsel



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Suite 202  
Hollister, CA 95023  
TEL 831-630-9444  
FAX 831-630-5935

August 3, 2012

File No.: 4638.000

*Via Hand Delivery*

Ms. Delinda Robinson  
Monterey County Planning  
168 W. Alisal Street, Second Floor  
Salinas, CA 93901

***Re: Appeal of Merritt Design Approval (PLN 120348)***

Dear Ms. Robinson:

Our office represents Michael and Cheryl Merritt in the above referenced appeal of the County of Monterey's Design Approval of the Merritt's proposed replacement of a dilapidated wooden fence with a redwood fence. Our clients pursued this replacement fence in response to the actions of their neighbors and the appellants, Barry and Patricia Smith, who illegally cut down a row of mature Cypress trees that are partially located on our client's property and partially within the County's right of way to improve their views. Appellants are now improperly attempting to control land and trees that they don't own through this appeal and we urge the Planning Department to recommend that the Board of Supervisors deny the appeal and uphold the Design Approval.

### **Background**

The Merritts purchased the subject property last fall. The Merritts were attracted to the property based, in part, on the large row of mature Cypress trees and landscaping that were just inside the eastern property boundary separating their residence and Appellant's residence (See **Exhibit A**). In addition to their aesthetic quality, the trees provided privacy and a sound barrier from Highway 1, which is located very close to the property.

During the escrow period and while visiting the property, the Merritts observed landscapers on the Merritt property, numerous Cypress trees on the Merritt property and County right-of-way reduced to stumps and others severely pruned (see **Exhibit B**). While the Smiths appeared to have had the good sense of surveying and identifying the property line with an orange flagged stake (as shown in **Exhibit B**), the landscapers simply ignored the staking, trespassed on the Merritt's property, and without any permits cut down or severely pruned the trees.

In response to Smith's disregard of the common property boundary, the Merritts replaced a segment of an old, approximately 4 to 5 foot tall dilapidated and weathered wooden fence that was several feet inside the property line with a 14 foot long, 6 foot tall redwood, fence to correctly delineate the property line and to ensure the ongoing protection of their trees and other

landscaping (see **Exhibit C**). The original fence is not a “wire fence” as the Smiths describe in Exhibit A to their Appeal. Because the new fence extended beyond the Merritt’s property line and into the County’s public right of way, the Merritts applied for and obtained an encroachment permit from the County for their fence. The fence now extends just beyond one of the lone, surviving, Cypress trees that is currently located in the County right-of-way and was spared by the Smiths, but still severely desecrated.

On May 22, 2012, the County issued a Design Approval for the fence, which is the subject of the Smith appeal.

### **The Appeal Lacks Merit and Should Be Denied**

The Smith’s appeal is nothing more than a disguised attempt to continue to exert control over property they don’t own, including a portion of the Merritt’s property and the County right-of-way, to ensure unimpeded access to the trees and vegetation that survived the Smith’s initial cutting and pruning. Notwithstanding their purported objections to the Merritt’s fence (e.g. height, sunlight blockage, etc.), the Smiths repeatedly state in their appeal that they have no problem with the fence so long as the fence is placed along the original fence line, which encroached approximately three feet into the Merritts property. Under those circumstances, it appears that their objections would go away. However, the Merritts have the legal right to install a fence to delineate **their** property boundary and to protect trees and vegetation on **their** property and to locate a portion of the fence within the County right-of-way and secured the County permits to do so.

As far as the Smith’s specific objections that are set forth in their appeal, these objections are not supported by the record, including objections that the application was incomplete, the fence exceeds six feet, the fence will deprive the current landscaped terrace on the Smith’s property of “most of its sunlight,” and its location within the County right-of-way. The Design Approval application was thorough and included a site plan and actual photographs of the proposed fence and the area that was affected by the fence, which made elevational renderings and mapped landscaping unnecessary.<sup>1</sup> In addition, the attached photos demonstrate that the fence does not exceed 6 feet (see **Exhibit D**) and the County confirmed through site visits that the fence did not exceed 6 feet.

The Smiths also complain that the location of current landscape and trees are not shown on the plans. However, as reflected in the attached photos, there was virtually no vegetation or trees in the area affected by the fence because the Smiths had previously removed this vegetation (See **Exhibit E**). As part of the Smith’s extensive re-landscaping of this terrace in August/September 2011, the Smiths had removed and replaced virtually all of the mature

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<sup>1</sup> The Merritts initially constructed the fence without the benefit of the County’s Design Approval. Upon being informed by the County that Design Approval was required, the Merritts immediately removed the fence and submitted a Design Approval application. Prior to removing the fence, the Merritts took photographs of the fence and submitted those to the County as part of the Design Approval application.



Ms. Delinda Robinson  
August 3, 2012  
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landscaping on this portion of the terrace including the removal and severe pruning of the Cypress trees on the Merritts and County property. Accordingly, no landscaping was impacted by the fence.

The Smiths complain that "the landscape would lose most of its sunlight" once the fence is installed. In fact, the landscaped terrace, which faces south benefits from an abundance of sunlight in the morning and in the afternoon as the sun moves from east to west and over the property (see **Exhibit F**). Even when the full row of dense Cypress trees existed on this property boundary prior to the Smiths removal of most of the tree, landscaping on the terrace existed and flourished (See **Exhibit G**). The Smiths acknowledge in their appeal that the landscaped terrace has existed for 50 years. Finally, the vegetation, helleborus, that the Smiths elected to plant are low sunlight plants.

The Smiths question why the Merritts are proposing a fence within the County right-of-way. The fence essentially replaces the old dilapidated wooden fence that also extended into the County right-of-way at this point just beyond the last Cypress tree of the row the Cypress trees that previously existed on the property. Moreover, the Coastal Implementation Plan (Section 20.62.040 (O)) anticipates and allows fences to encroach into a County road right-of-way and the County Department of Public Works approved the encroachment.

The Merritts never intended to construct a fence along the property line and only proceeded with this application after the Smiths decided to cut down the trees on the Merritt property and in order to protect the remaining trees and vegetation on their property. The proposed redwood fence is also a significant improvement over the dilapidated wooden fence that previously existed on the property and is consistent with other redwood fences that been installed throughout Carmel Woods (See **Exhibit H**).

For all the aforementioned reasons, we again urge you to recommend that the Board deny the appeal.

Very truly yours,

L+G, LLP

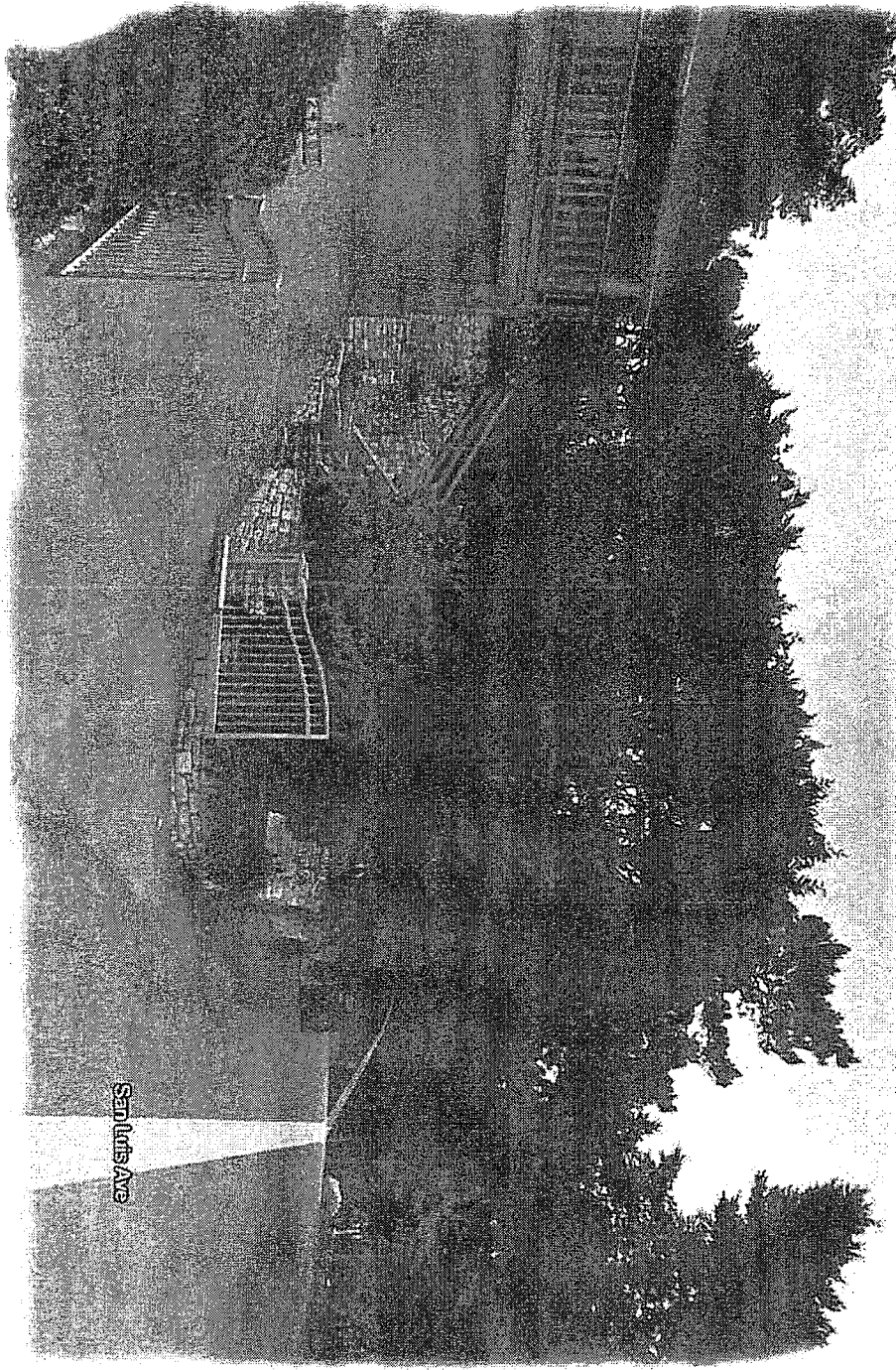


Jason S. Retterer

Enclosures

cc: Michael and Cheryl Merritt  
Mike Novo, Planning Director  
Supervisor Dave Potter

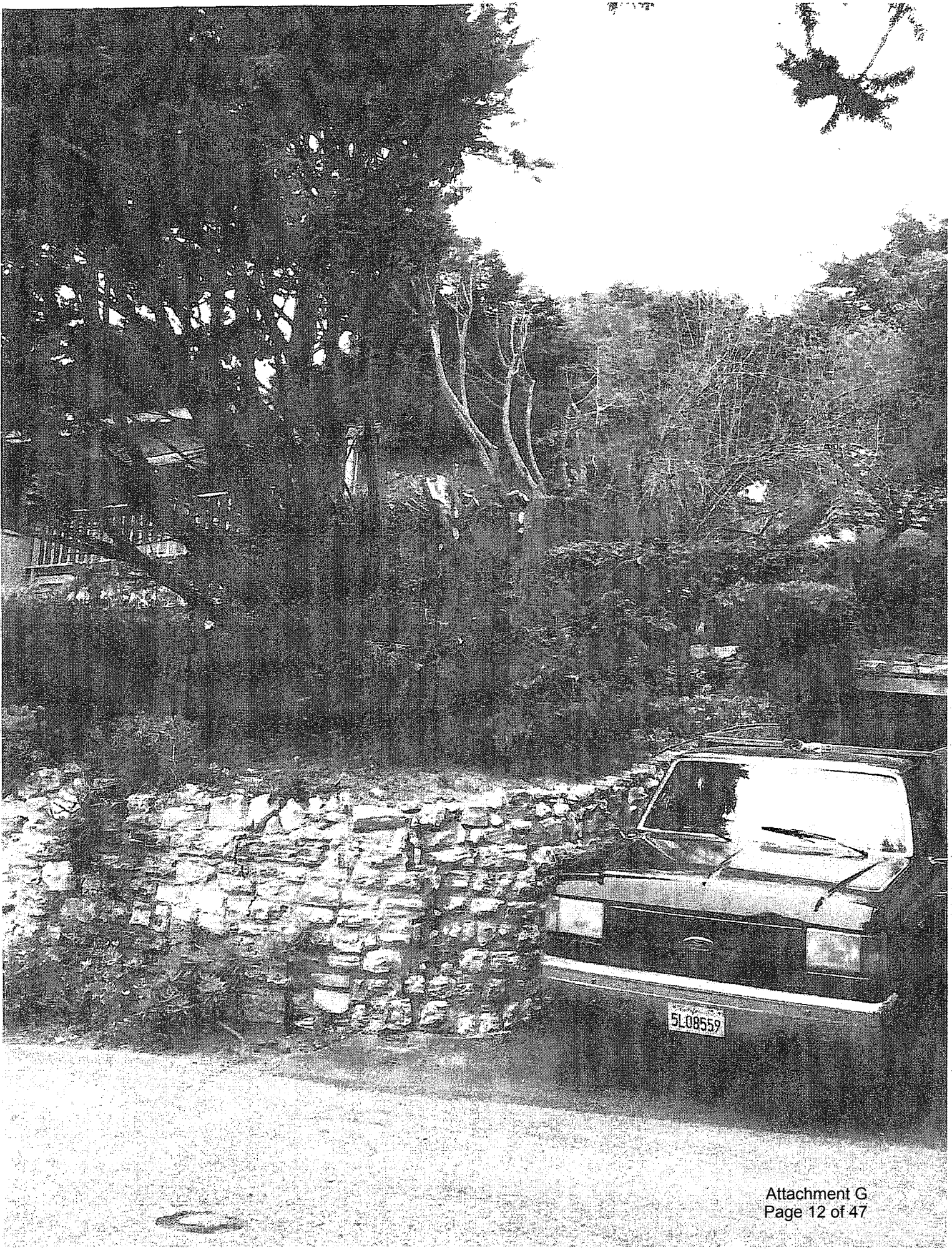
# EXHIBIT A

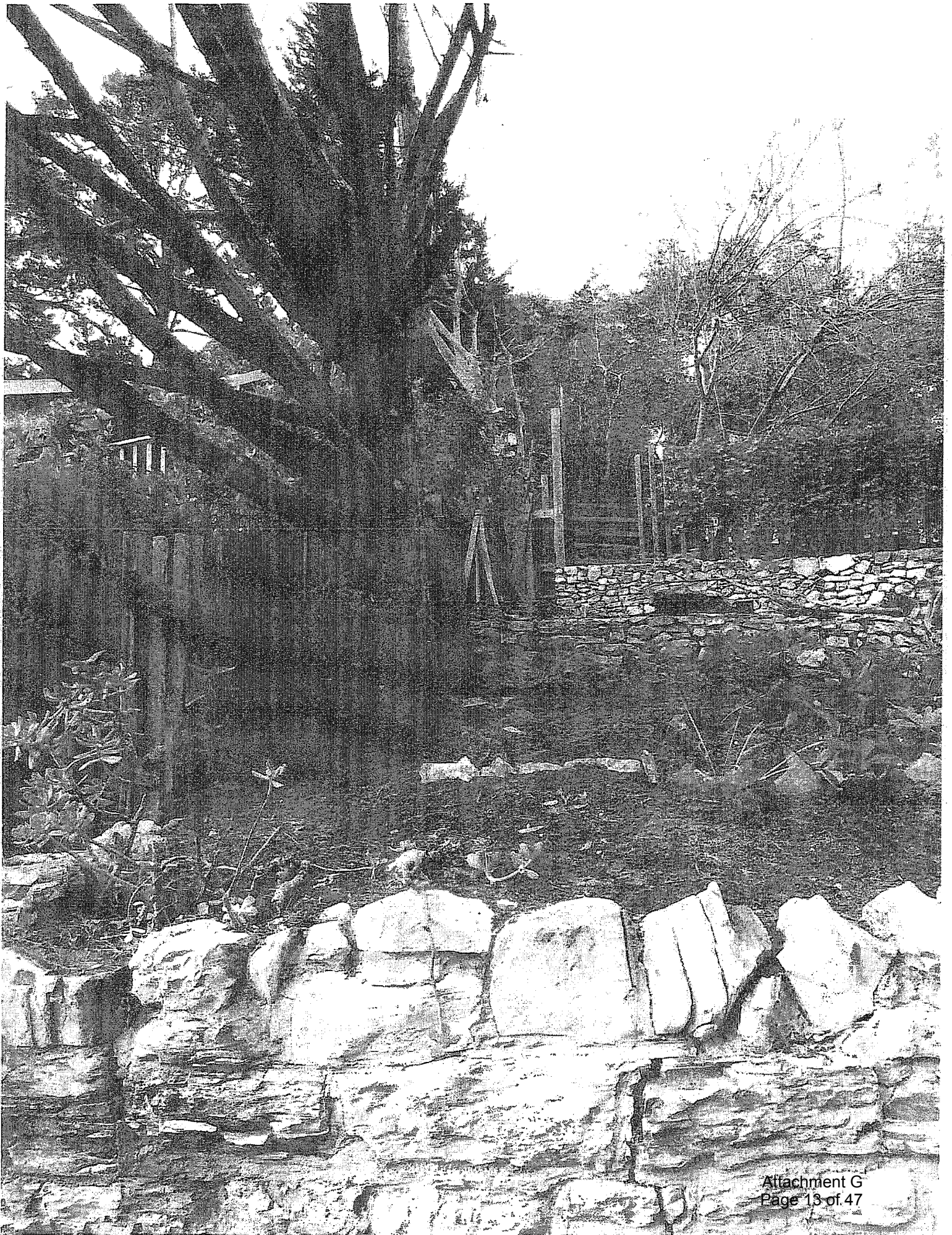


San Luis Avenue, California, United States  
is approximate

# EXHIBIT B







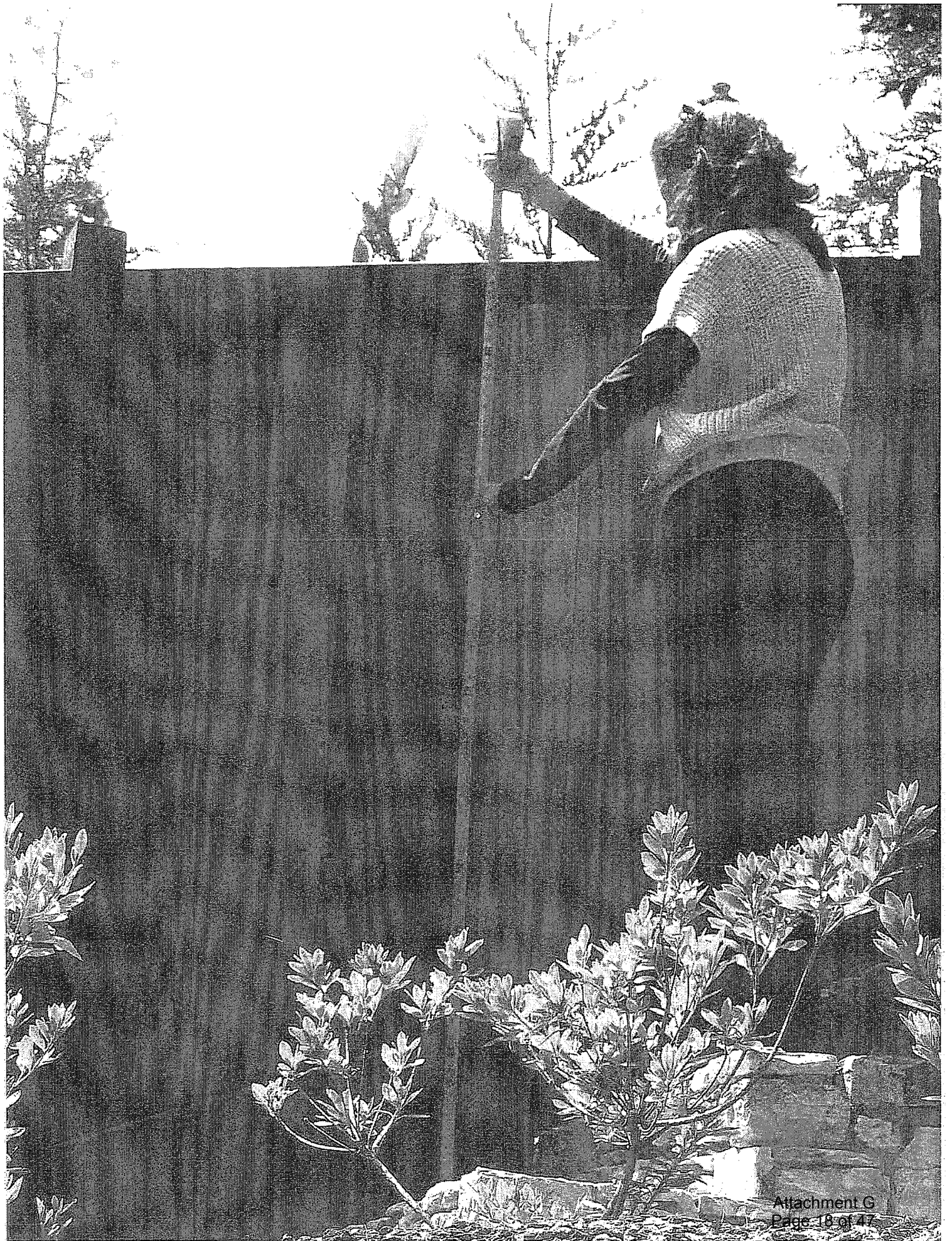
# EXHIBIT C

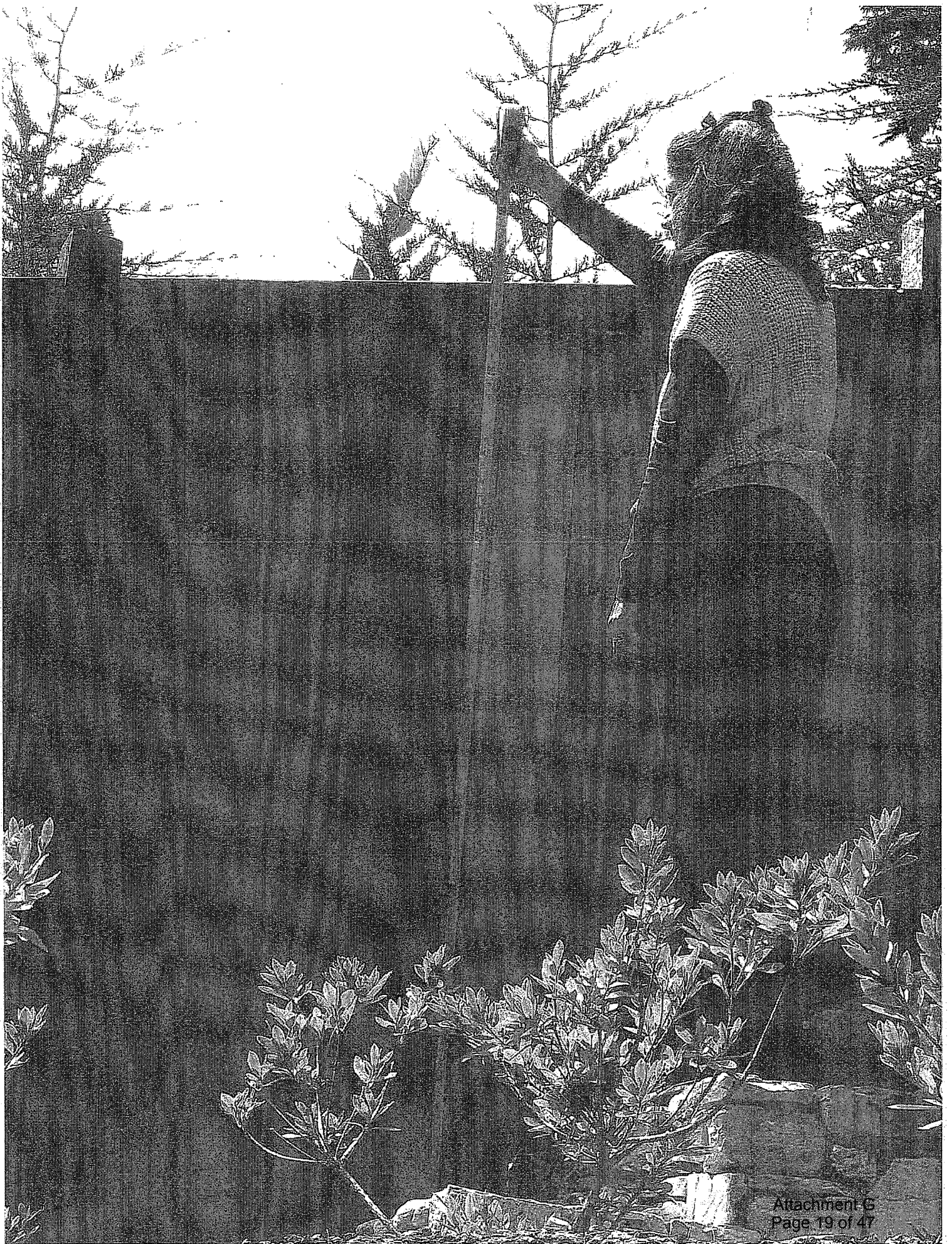




# EXHIBIT D





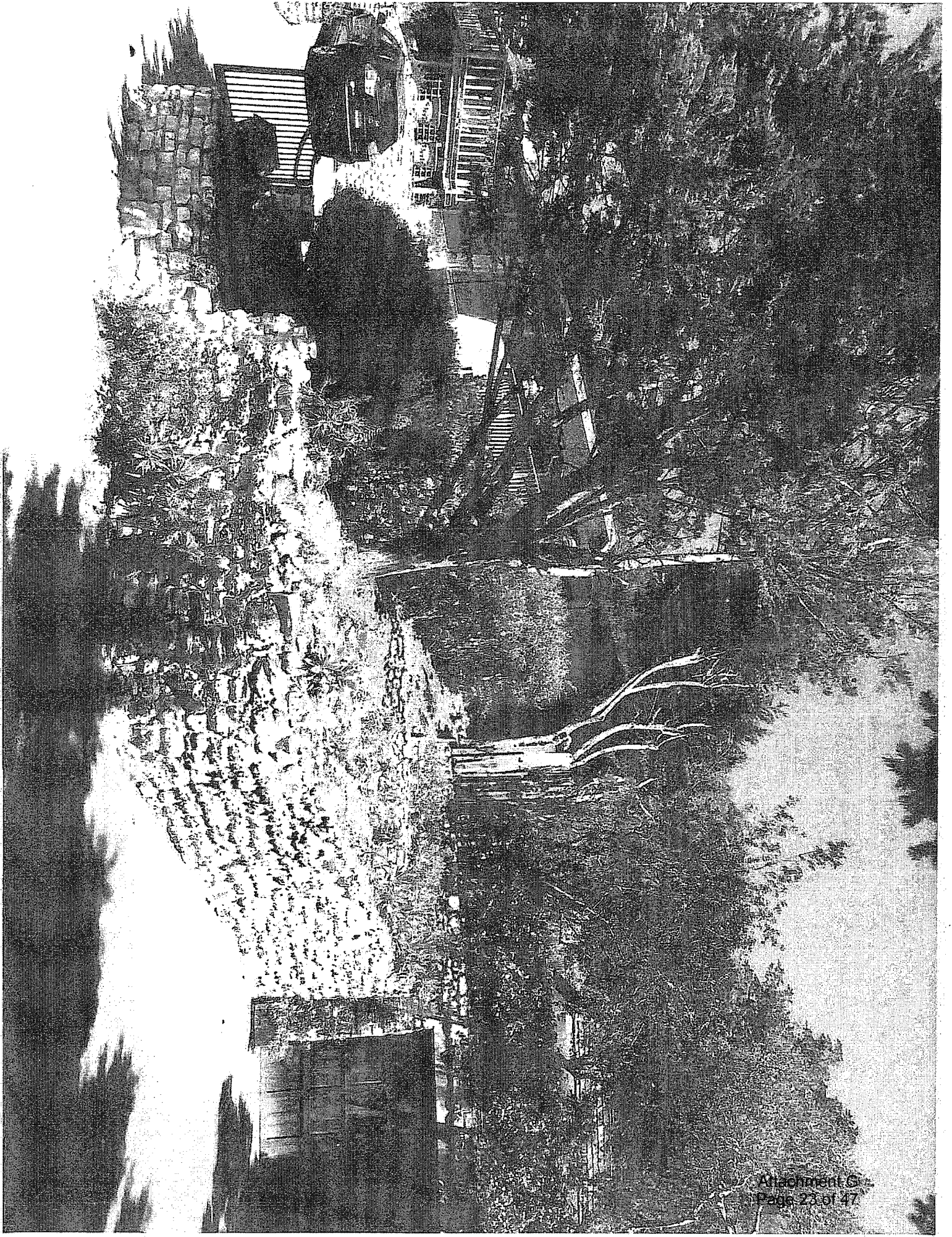


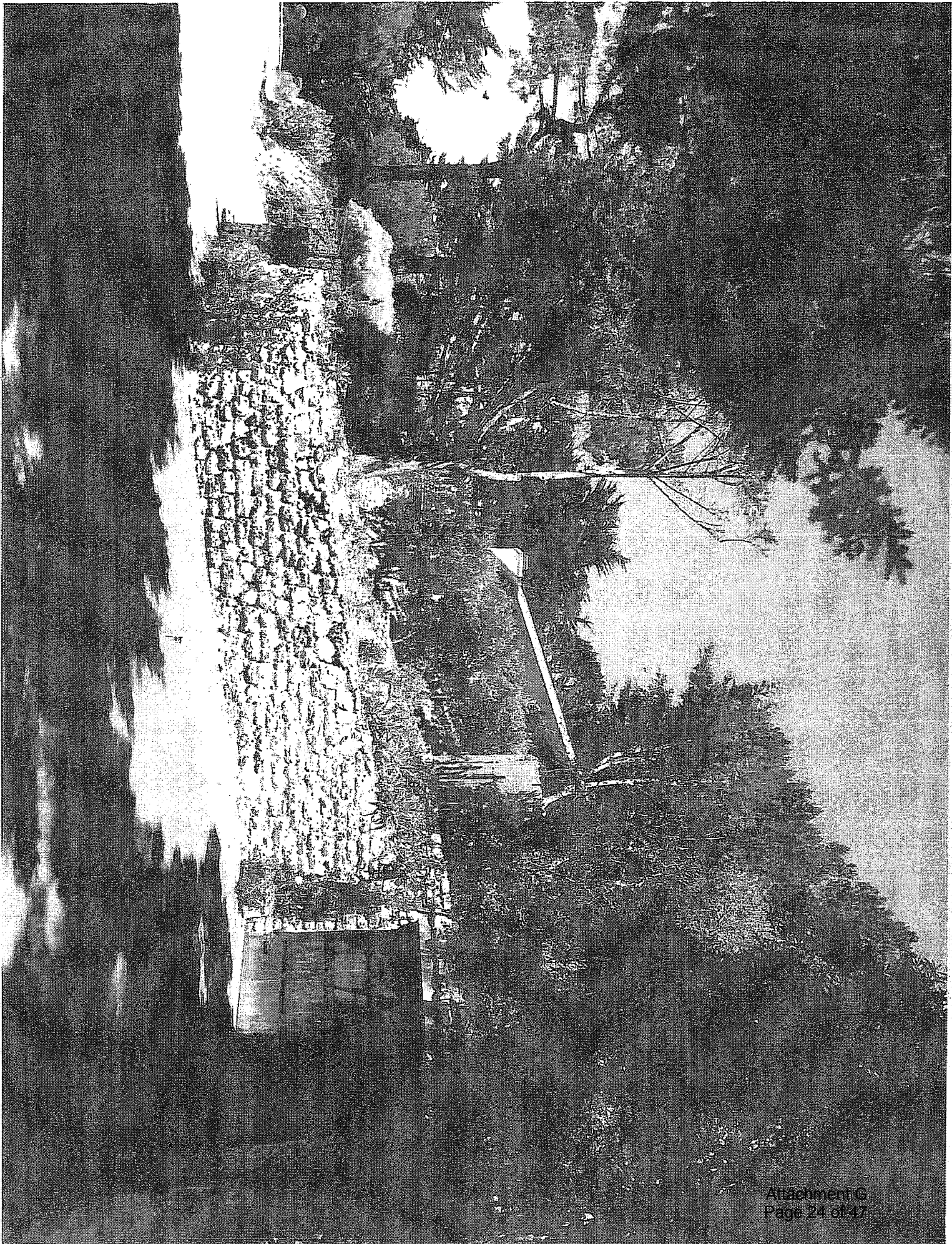
# EXHIBIT E



# EXHIBIT F





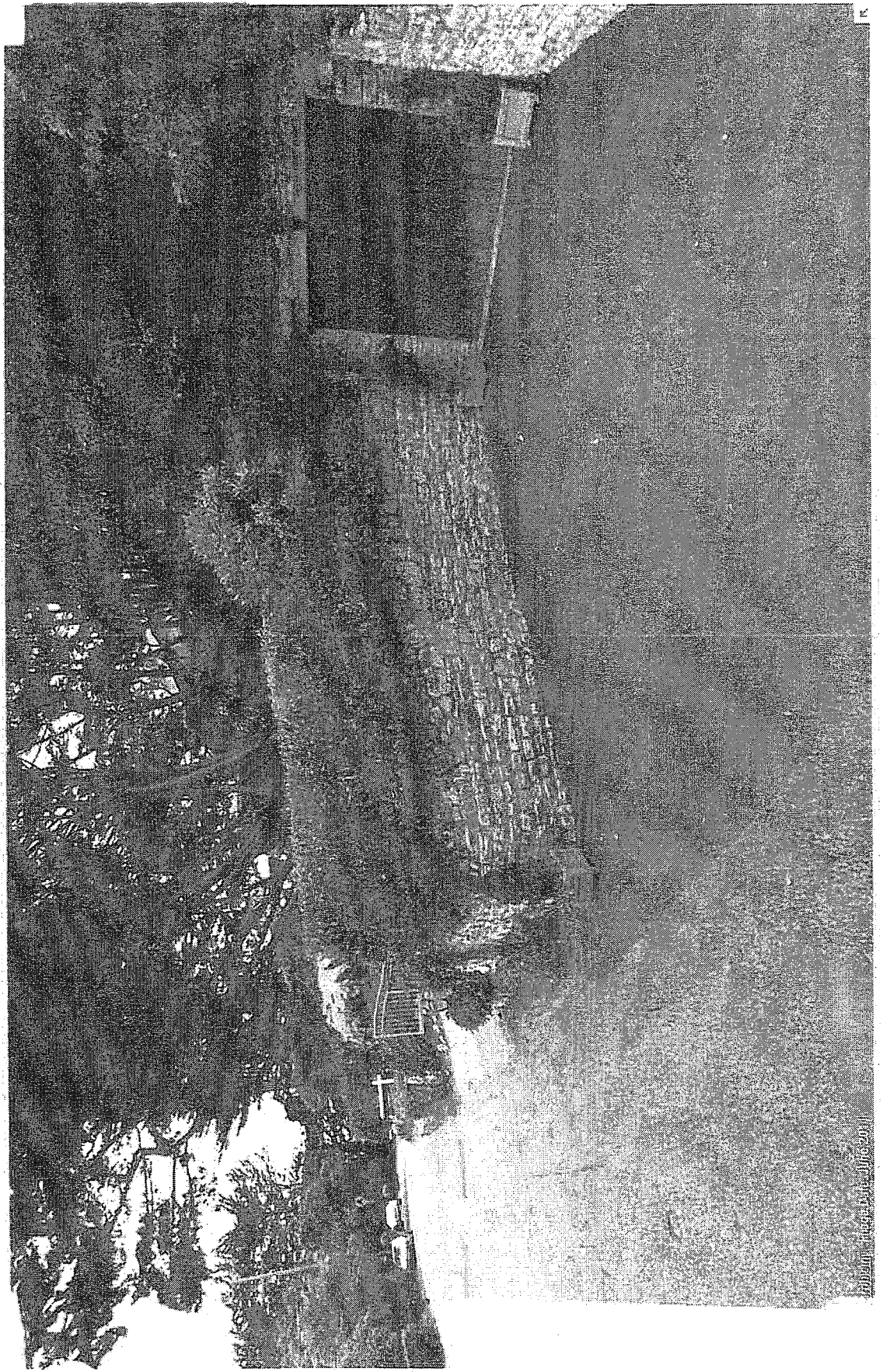


# EXHIBIT G



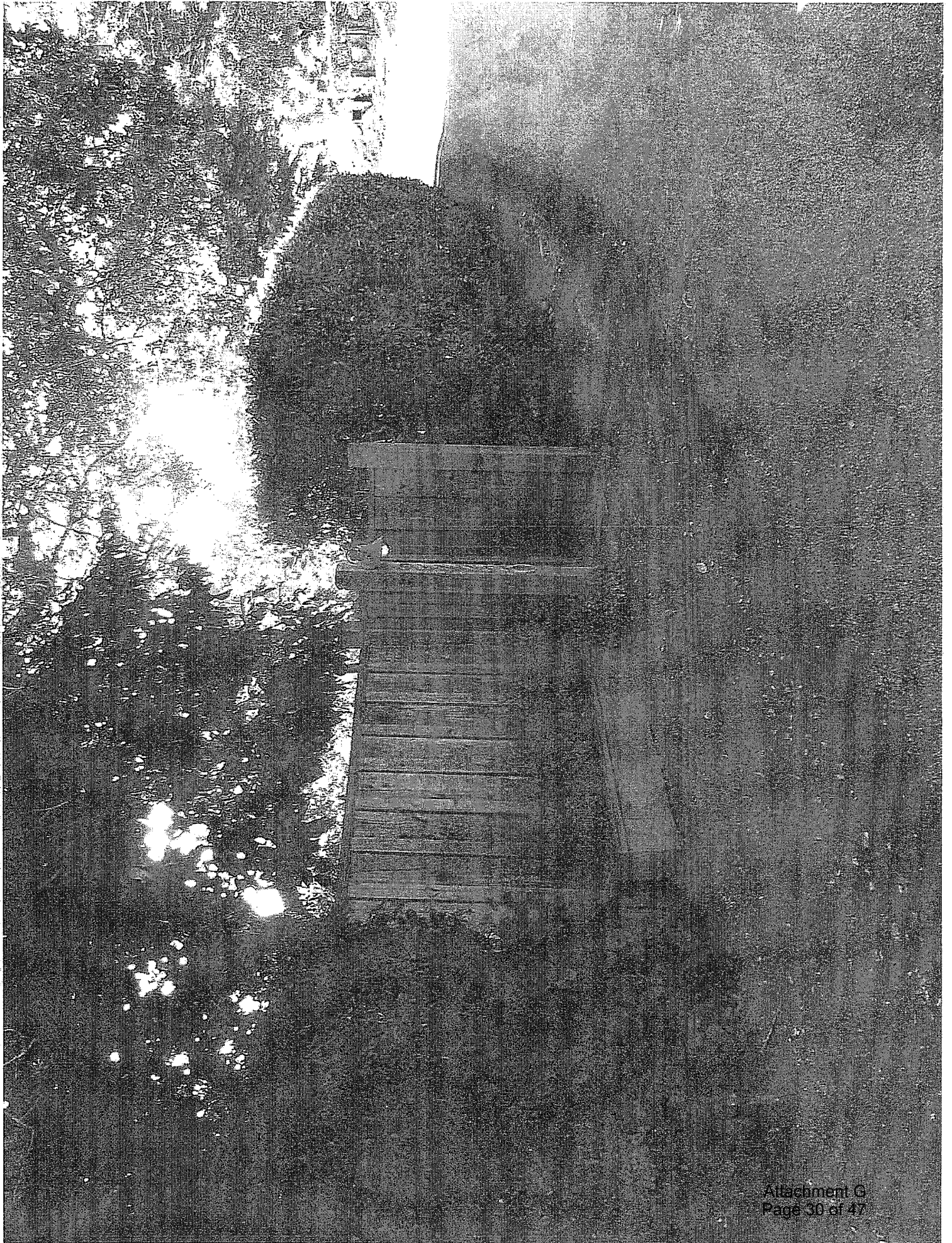
24509 San Luis Avenue, California, United States  
Address is approximate

© 2014 Google

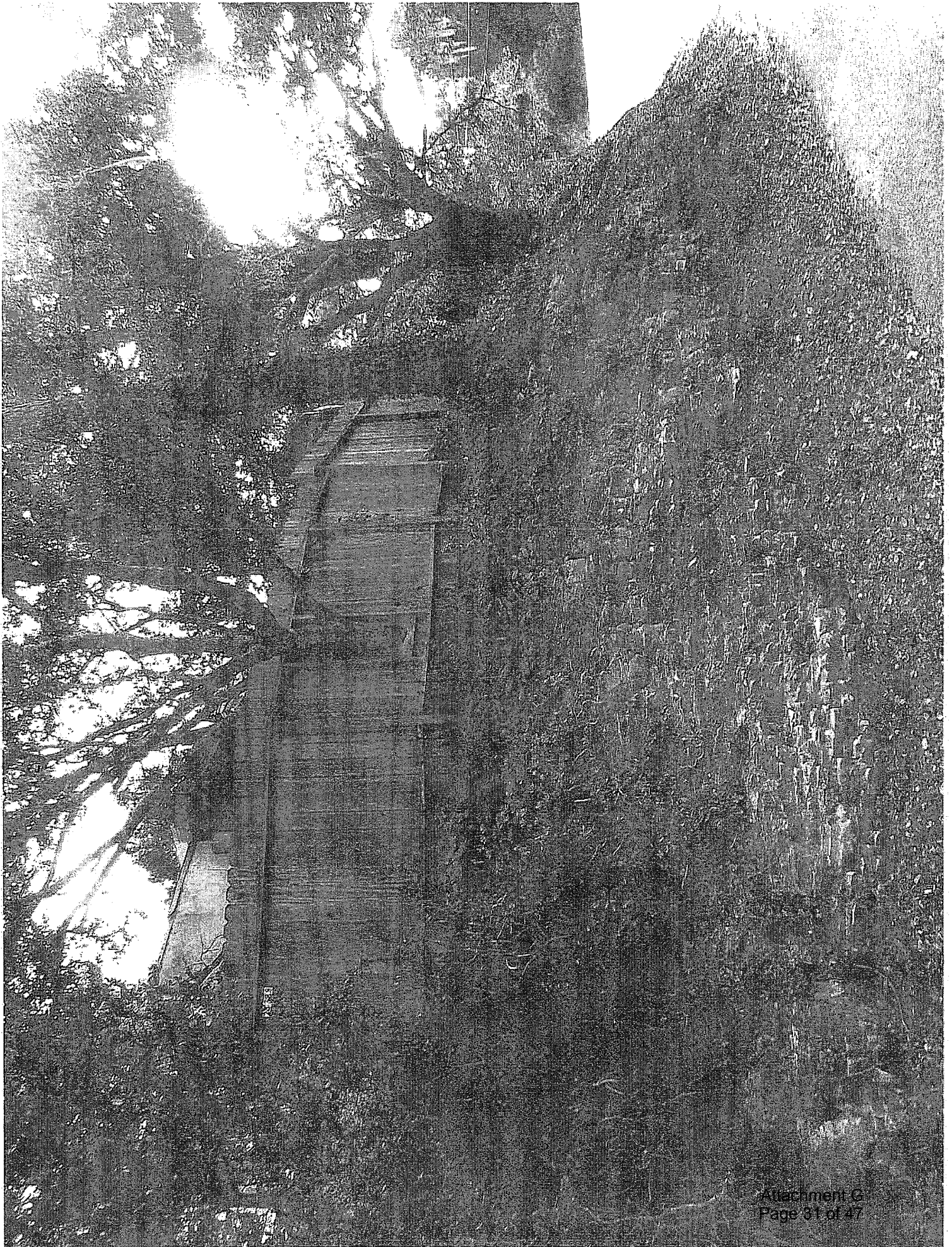


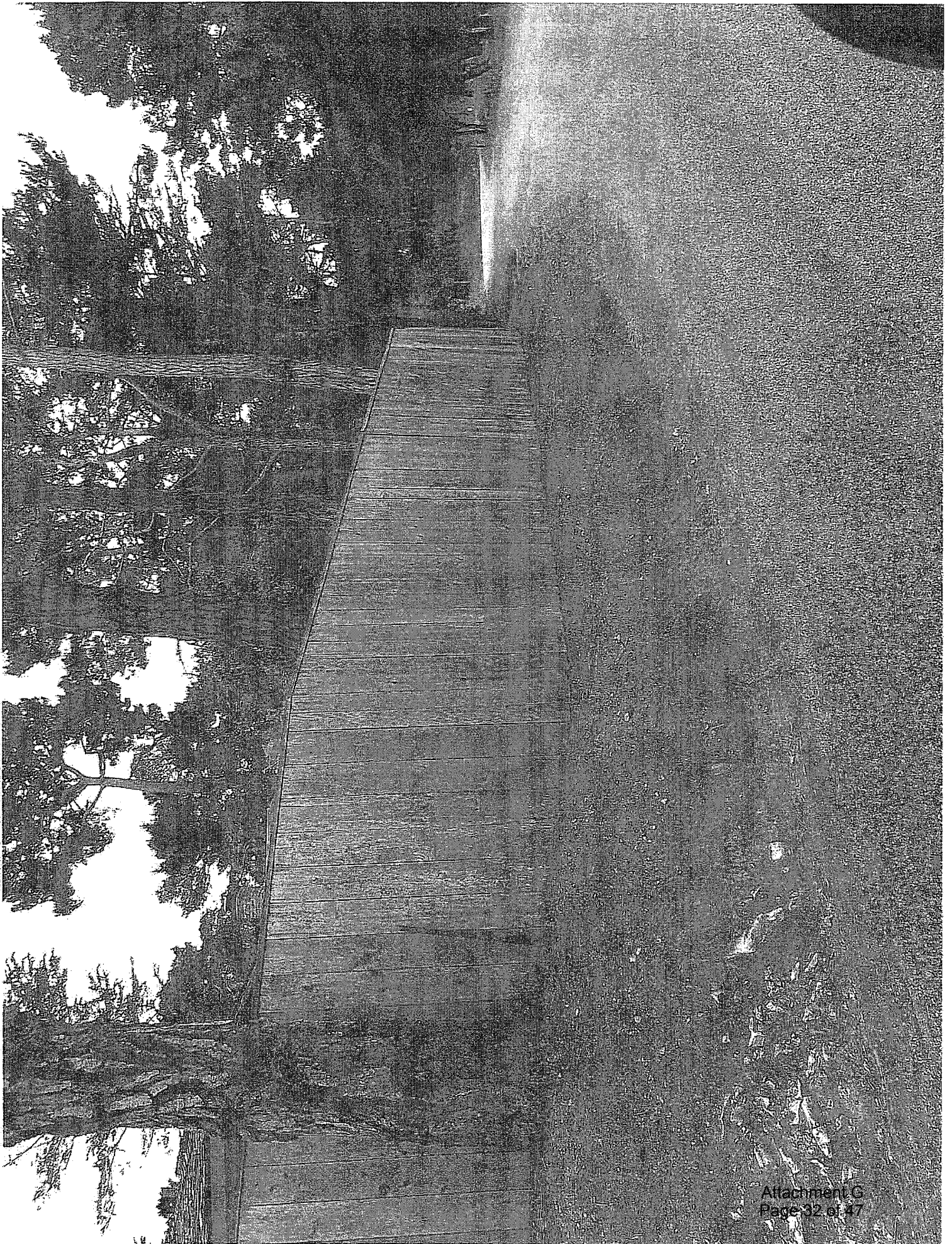
# EXHIBIT H











**Robinson, Delinda x5198**

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**From:** Barry Smith [bsmith@valleybusinessbank.net]**Sent:** Tuesday, August 07, 2012 1:28 PM**To:** Robinson, Delinda x5198**Cc:** Barry Smith**Subject:** RE: Did you get my earlier e-mail?

Thank you for your reply Delinda. Will my talking points be valuable for the Board of Supervisors if submitted ahead of time so some thought can be given to my personal appeal.

We have no problem with replacing the trees which were leaning over the garden area and had been unkempt with numerous broken branches. These were removed for safety reasons.

One of my main issues on the proposed fence is that they could have followed their property line like everyone else to "secure" their property. Their proposed fence does nothing to secure their property. We have no problem with a fence if they follow their own property line. Why use county land???? Please take this into consideration in your evaluation and recommendations. If a fence is approved, My wife and I would at least like a compromise so that height be limited to 3 or at the very highest 4 feet. Also, if fence is approved at the very least, the same style of fence as the one that currently divides our property – i.e., grape stake. As proposed and approved we would have two completely different design of fences in same line. The current fence is 54 feet long and made of grape stakes fence and the new 19 foot extension is redwood. This would be an eye sore to neighborhood as well.

We are looking for a compromise that would satisfy both owners. When one owner is building on county property and it affects the adjacent owner then it would seem both owners should be in agreement or nothing should be done since we cannot compromise. The simplest option would be to allow their fence to be built along their own property line then no one is affected (Keeping in mind neither of us owns this land where the proposed fence is currently proposed). We are both property owners and should have equal say in this controversy.

Please pass this on to the Board prior to the hearing on Aug 28<sup>th</sup>.

Thank You,  
Barry Smith

**Barry Smith M.D.**

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**From:** Robinson, Delinda x5198 [mailto:robinsond@co.monterey.ca.us]**Sent:** Monday, August 06, 2012 6:48 PM**To:** Barry Smith**Subject:** RE: Did you get my earlier e-mail?

Barry,

I was just able to retrieve my voice mail messages after being locked out for most of the afternoon. Thanks for sending the stamps. The hearing clerk has to take the notices to the post office rather than running them through the County mail system so we have to have stamped envelopes. Sorry about that.

With regard to your questions:

You made an appeal to the Board of Supervisors; that is the body that will hear your appeal.

My report won't go to the Board until about a week before the hearing so no, they have not yet made up

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their minds about how they will decide the matter.

The Design Approval for the fence was approved on May 21, 2012, quite a while before you submitted your appeal. The statutory appeal period is 10 days from the date that the applicant receives a copy of the approved Design Approval. Once that appeal period passes, the applicant assumes that the project is approved. In this case, probably because you had been making inquiries about the approval of the fence, notices were sent out on May 31, 2012 giving an appeal deadline of June 14<sup>th</sup>. I'm not clear why, but the appeal deadline was extended for you and we did accept your appeal on June 29<sup>th</sup>. An Encroachment Permit was issued by Public Works on June 4, 2012 to allow the construction of a fence and replacement of trees that were removed without the proper permits.

I do not actually know for sure what I will be recommending at this point. The Board will consider whatever they receive on paper and what people say at the hearing. Everything you submitted with the appeal will be included in the report that goes to the Board. Sometimes the Board goes with staff's recommendation, other times they do not. They decide based on the circumstances in each case. Usually someone from both sides makes a presentation of some sort. I can't recall a case where either an appellant or applicant (or their representative) didn't show up.

Hope that helps.

*Delinda Robinson*  
*Senior Planner*  
*Monterey County RMA-Planning Department*  
*168 West Alisal Street, Second Floor*  
*Salinas, CA 93901*  
*(831) 755-5198*

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**From:** Barry Smith [mailto:[bsmith@valleybusinessbank.net](mailto:bsmith@valleybusinessbank.net)]  
**Sent:** Monday, August 06, 2012 6:18 PM  
**To:** Robinson, Delinda x5198  
**Subject:** RE: Did you get my earlier e-mail?

Hi Delinda-

Sorry I missed you phone call today. To answer your question below – this is the correct email.

I sent an envelope on Friday with 39 stamps just in case ---- but attention Lucy Bernal.

We have been informed by our neighbors that the fence in question has been reinstalled despite the appeal. This seem unusual to us.

Have you already made your recommendation/determination to the Planning Review Board?(Not sure of true name of board hearing this appeal.)

Do the members have an open mind of the issues? And will my appearance at the appeal be a mere formality because they have already reached a decision based on the submitted paper work by both parties and your recommendations? Have you seen a person or persons making the appeal change the board's mind – vote? Can you let me know what you have concluded and your recommendations to the board?

Would it be helpful to present my talking points to the board ahead of time to help them digest and understand

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my concerns and rationale? Or am I wasting my time and the final decision is already predetermined? In other words, are they just fulfilling their duty to hear me out but in reality I will have very little influence as there is already a foregone conclusion and a decision already reached?

Your advise would be very help to me.

Sincerely,  
Barry Smith

**Barry Smith M.D.**

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**From:** Robinson, Delinda x5198 [mailto:robinsond@co.monterey.ca.us]  
**Sent:** Friday, August 03, 2012 2:26 PM  
**To:** Barry Smith  
**Cc:** Bernal, Lucy (Luciana) x5235  
**Subject:** RE: Did you get my earlier e-mail?

Doctor Smith,

I will be handling the appeal. As I indicated in my previous message to you, the hearing on the appeal is scheduled for August 28<sup>th</sup>. The Clerk to the Board makes up the agenda on the Friday before the hearing with the time the item is scheduled to be heard. However, you should know that they put many items on the agenda for the same time, so this item may not be heard at the exact time on the agenda.

In the Coastal Zone, notices have to be mailed not only to the owners of property within 300 feet of the appealed project, but to legal occupants as well. Whoever made up the mailing list that was originally sent to you didn't include the occupants. That's why we need the additional stamps. Please mail them to my attention.

Also, is this the e-mail address that I should be using or the [drsmith@visaliaeyecare.com](mailto:drsmith@visaliaeyecare.com) one?

As I said before, let me know if you have any questions.

*Delinda Robinson*  
*Senior Planner*  
*Monterey County RMA-Planning Department*  
*168 West Alisal Street, Second Floor*  
*Salinas, CA 93901*  
*(831) 755-5198*

Barry,

That is correct, at this point, there is no need for any further action on your part. If I have any questions about your appeal I will give you a call. It has been set for August 28, 2012.

*Delinda Robinson*  
*Senior Planner*  
*Monterey County RMA-Planning Department*  
*168 West Alisal Street, Second Floor*  
*Salinas, CA 93901*  
*(831) 755-5198*

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**From:** Barry Smith [mailto:drsmith@visaliaeyecare.com]  
**Sent:** Tuesday, July 10, 2012 1:53 PM  
**To:** Robinson, Delinda x5198  
**Subject:** RE: PLN120348 - Appeal of Merritt Project Decision Set for Hearing Before Monterey County Board of Supervisors on August 28, 2012

Hi Delinda –

I take it that I will not have to submit any further paper work and be at hearing on Aug 28<sup>th</sup> – Correct?

Good talking with you today. Hopefully a compromise can be made to solve this issue or simply no fence for either party.

Looking forward to your response.

Barry Smith

**Barry Smith M.D.**

**From:** Robinson, Delinda x5198 [mailto:robinsond@co.monterey.ca.us]  
**Sent:** Tuesday, July 10, 2012 1:27 PM  
**To:** 'cheryl@michaelmerritt.com'; 'drsmith@visaliaeyecare.com'  
**Subject:** PLN120348 - Appeal of Merritt Project Decision Set for Hearing Before Monterey County Board of Supervisors on August 28, 2012

Ms. Merritt and Dr. Smith,

Thank you both for taking the time to speak with me this morning. Pursuant to Monterey County Zoning Ordinance Section 20.86.070.C, the Board of Supervisors is required to consider an appeal and render a decision thereon within 60 days after receipt of the appeal. The appeal to the decision of the RMA-Director of Planning was submitted on June 29, 2012. The Board of Supervisors will not be meeting during the first three weeks of August, so this appeal has been scheduled to be heard by the Board on the 60<sup>th</sup> day, which falls on August 28, 2012. In separate phone conversations this morning, you each indicated that you would be available to attend a hearing on that day. The hearing on the appeal will also be noticed in accordance with the requirements of Section 20.84. I will let you know the approximate time of the hearing once the agenda has been set by the Clerk to the Board, probably on the Friday before the hearing.

Please feel free to contact me if you have any questions regarding the process.

Respectfully,

*Delinda Robinson*  
*Senior Planner*  
*Monterey County RMA-Planning Department*  
*168 West Alisal Street, Second Floor*  
*Salinas, CA 93901*  
*(831) 755-5198*

*Delinda Robinson  
Senior Planner  
Monterey County RMA-Planning Department  
168 West Alisal Street, Second Floor  
Salinas, CA 93901  
(831) 755-5198*

---

**From:** Bernal, Lucy (Luciana) x5235  
**Sent:** Friday, August 03, 2012 11:28 AM  
**To:** 'Barry Smith'  
**Cc:** Robinson, Delinda x5198  
**Subject:** RE: Did you get my earlier e-mail?

Good morning Mr. Smith the planner handling the appeal is Delinda Robinson 831-755-5198, and the stamps can be mail to  
168 W. Alisal Street 2<sup>nd</sup> floor Salinas Ca 93901

Thank you Lucy Bernal

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**From:** Barry Smith [mailto:bsmith@valleybusinessbank.net]  
**Sent:** Friday, August 03, 2012 10:14 AM  
**To:** Bernal, Lucy (Luciana) x5235  
**Subject:** RE: Did you get my earlier e-mail?

Hi Lucy –

I have not received your email as to where the 36 stamps should be mailed and attention to who.

Also needed email of person handling the appeal - phone and email please.

Thank you,  
Barry

**Barry Smith M.D.**

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**From:** Bernal, Lucy (Luciana) x5235 [mailto:BernalL@co.monterey.ca.us]  
**Sent:** Friday, June 08, 2012 3:36 PM  
**To:** Barry Smith  
**Subject:** RE: Did you get my earlier e-mail?

Good after noon Mr. Smith, yes I have received your email

Lucy

---

**From:** Barry Smith [mailto:bsmith@valleybusinessbank.net]  
**Sent:** Friday, June 08, 2012 2:41 PM  
**To:** Bernal, Lucy (Luciana) x5235  
**Subject:** Did you get my earlier e-mail?

Hi Lucy –just emailing to be sure you got my email from this am. Thanks - Barry

**Barry Smith M.D.**

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**Robinson, Delinda x5198**

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**From:** twigery@gmail.com on behalf of Cheryl Merritt [cheryl@michaelmerritt.com]  
**Sent:** Tuesday, July 10, 2012 6:01 PM  
**To:** Robinson, Delinda x5198  
**Subject:** Re: PLN120348 - Appeal of Merritt Project Decision Set for Hearing Before Monterey County Board of Supervisors on August 28, 2012  
**Attachments:** sanluis-pre.jpg; Existing fence with trees removed.jpg; Men cutting trees.jpg; Trees cut to stumps.jpg; Without trees and fence.jpg; Encroachment Permit.pdf

Delinda,

Thank you for your response in scheduling the upcoming appeal hearing.

As I am sure you can tell from my conversation with you this morning that this has been very upsetting and anguishing. If I sounded frustrated, I am sure you can understand.

I have attached a copy of the encroachment permit that has been approved for us to replace the trees and the fence that were removed by the Smiths. Also, I am sending you a picture of what our property looked like before the Smiths cut the trees without permits, the men that the Smiths hired to cut the trees and what our property looks like now.

I look forward to meeting with you on Thursday, July 26th at 9am to discuss the issue.

Please email me that you have received this. Thank you.

Best regards,

Cheryl Merritt  
(209) 402-6962

On Tue, Jul 10, 2012 at 1:27 PM, Robinson, Delinda x5198 <[robinsond@co.monterey.ca.us](mailto:robinsond@co.monterey.ca.us)> wrote:

Ms. Merritt and Dr. Smith,

Thank you both for taking the time to speak with me this morning. Pursuant to Monterey County Zoning Ordinance Section 20.86.070.C, the Board of Supervisors is required to consider an appeal and render a decision thereon within 60 days after receipt of the appeal. The appeal to the decision of the RMA-Director of Planning was submitted on June 29, 2012. The Board of Supervisors will not be meeting during the first three weeks of August, so this appeal has been scheduled to be heard by the Board on the 60<sup>th</sup> day, which falls on August 28, 2012. In separate phone conversations this morning, you each indicated that you would be available to attend a hearing on that day. The hearing on the appeal will also be noticed in accordance with the requirements of Section 20.84. I will let you know the approximate time of the hearing once the agenda has been set by the Clerk to the Board, probably on the Friday before the hearing.

Please feel free to contact me if you have any questions regarding the process.

Respectfully,

*Delinda Robinson*

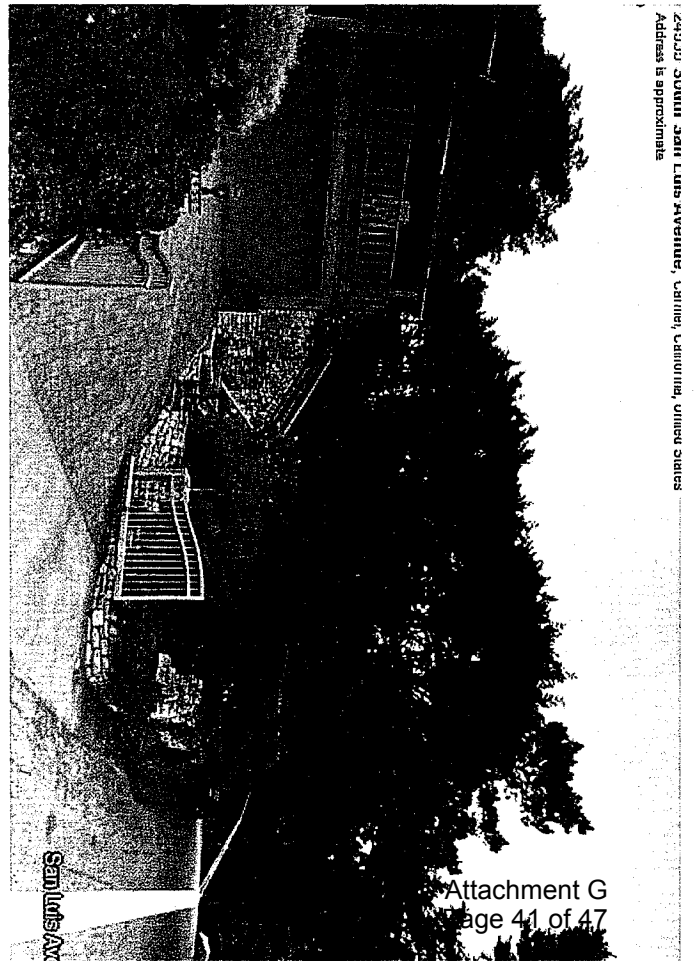
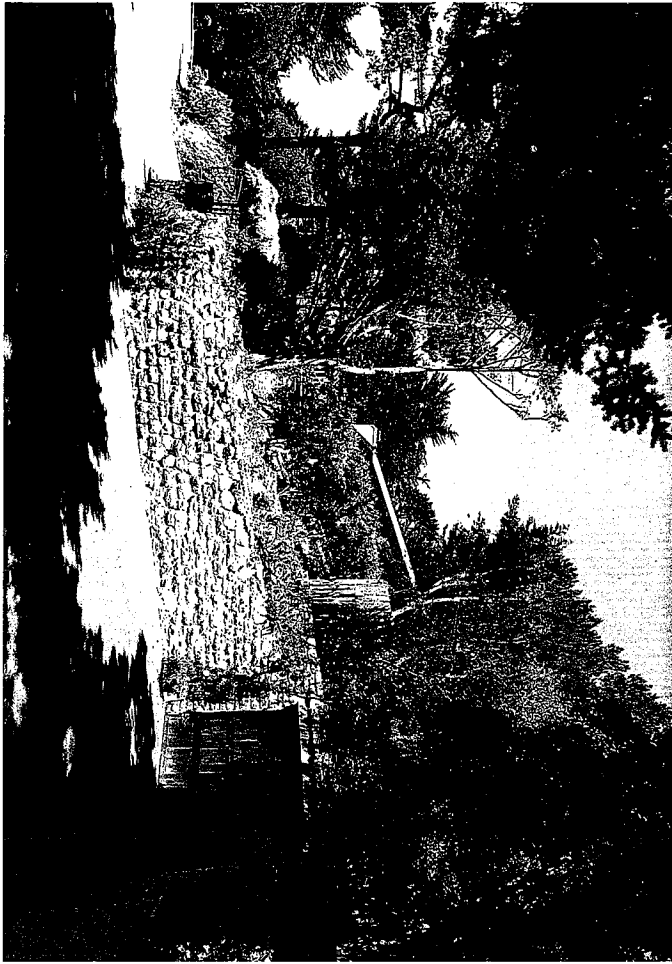
*Senior Planner*

*Monterey County RMA-Planning Department*

*168 West Alisal Street, Second Floor*

*Salinas, CA 93901*

*(831) 755-5198*



Address is approximate

San Luis Ave



# ENCROACHMENT PERMIT NO. 12-275

Notify the Department of Public Works at least 48 hours, exclusive of Saturdays, Sundays and leg holidays, before starting any permit work. Inspector: Robert Palomino, 831-755-4955.



MONTEREY COUNTY  
DEPARTMENT OF PUBLIC WORKS  
168 W. Alisal St. 2nd Floor  
Salinas, CA 93901  
(831)755-4800

The use of this permit is prima facie evidence that the permittee has read and understands the terms.

ROAD: San Luis Avenue LOCATION: 24505  
BETWEEN: San Lucas Avenue AND: State Route 1 DATE ISSUED: 04-Jun-12  
AREA: Carmel Woods APN: 009-041-024 DISTRICT: Mon @ 0-1

FEE: \$60.00 DATE PMT REC'D: 01-Jun-12 PMT METHOD: Check BY: ip

PERMITTEE: Michael & Cheryl Merritt 1: PLN 120348  
C/O: 2:  
ADDRESS: PO Box 1003  
CITY: Carmel STATE: CA ZIP: 93921  
PHONE: (209) 402-6962x FAX

In compliance of your request of 06/04/12 and subject to existing County Encroachment Ordinance and to all the terms, conditions and restrictions written below, printed on or attached to any part of this form.

**PERMISSION IS HEREBY GRANTED TO:**

Replace and replant trees that were removed without proper permits including construction of wood style fence 14 feet on County right-of-way on the east side property line pending design approval of PLN-120348.

In order to have this encroachment permit acknowledged as complete, work shall be in accordance with the above mentioned plan (if any), attached form DT and all pertinent sections of Monterey County Code Title 14.04.

Unless specified, no permit work or activity is to take place after: 31-Dec-12

EIR exempt by section: 15301 class: 1 c (9)

Accepted by: Canceled by: Date:

Copy: Permittee / Job Site / Inspector / Circulate / Foreman / Administration

Fund 002 Budget Unit 300 Organization 3000 Revenue # 4175

DE/dc Rev.01-08

**SEE REVERSE SIDE AND ATTACHED FORM(S)**

**Bernal, Lucy (Luciana) x5235**


---

**From:** Barry Smith [bsmith@valleybusinessbank.net]  
**Sent:** Monday, June 25, 2012 3:34 PM  
**To:** Bernal, Lucy (Luciana) x5235  
**Subject:** RE: appeal of Design Approval PLN 120345 Merritt

Thanks

**Barry Smith M.D.**

---

**From:** Bernal, Lucy (Luciana) x5235 [mailto:BernalL@co.monterey.ca.us]  
**Sent:** Monday, June 25, 2012 3:00 PM  
**To:** Barry Smith  
**Subject:** RE: appeal of Design Approval PLN 120345 Merritt

You can fax to 831-755-5461 Att: Mike Novo.

Lucy

---

**From:** Barry Smith [mailto:bsmith@valleybusinessbank.net]  
**Sent:** Monday, June 25, 2012 2:37 PM  
**To:** Bernal, Lucy (Luciana) x5235  
**Subject:** RE: appeal of Design Approval PLN 120345 Merritt

Received and Thank You – I will return tomorrow via Fax –

Which FAX is bests and attention to Who ? Mike Novo?

He stated he would be willing to walk this appeal down to appropriate section at county

Regards,  
 Barry Smith

**Barry Smith M.D.**

---

**From:** Bernal, Lucy (Luciana) x5235 [mailto:BernalL@co.monterey.ca.us]  
**Sent:** Monday, June 25, 2012 11:58 AM  
**To:** Barry Smith  
**Cc:** Hickman, Wanda x5285  
**Subject:** appeal of Design Approval PLN 120345 Merritt

Good morning Mr. Smith, per our conversation last Friday I have attach all the forms and information necessary for the Appeal for the project PLN120345 Merritt. I have attach for following for your review

1. Application for fence
2. approved site plans showing new location of fence
3. Regulation for Design Approval

The appeal notice is due Friday the 29<sup>th</sup> of June to the Clerk to the Board; Denise Hancock 831-796-3077

- Notice of appeal

Attachment G  
 Page 44 of 47

08/01/2012

If you have any question please feel free to contact me

Thank you Lucy

*Lucy Bernal*  
*Land Use Technician/Code Enforcement*  
*(831) 755-5235 / fax: (831) 757-9516*  
*E-mail: [bernal@co.monterey.ca.us](mailto:bernal@co.monterey.ca.us)*

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**Bernal, Lucy (Luciana) x5235**

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**From:** Barry Smith [bsmith@valleybusinessbank.net]

**Sent:** Monday, June 18, 2012 2:12 PM

**To:** Bernal, Lucy (Luciana) x5235

**Subject:** PLN120348

Hi Lucy-

As mentioned on phone just now you suggested a wait and see position be taken until your superiors have made a decision if the fence should be allowed. Since I have not seen the line where the fence will be placed I would like for the record to state the original fence was located on the WEST Side of the large Cypress tree and the original fenced was wire 3 feet high.

If plans were submitted without the location of the cypress tree then I respectfully suggest that the proposed plan reflect the exact location of the cypress tree so that the new fence will be truly on the same line as the old and be of the original 3 feet height.

Respectfully submitted,

Barry Smith

**Barry Smith M.D.**

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**Bernal, Lucy (Luciana) x5235**

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**From:** Barry Smith [bsmith@valleybusinessbank.net]

**Sent:** Wednesday, June 13, 2012 3:19 PM

**To:** Bernal, Lucy (Luciana) x5235

**Subject:** FW: PLN120348

Hi Lucy – Is there anything more formal like filling a form to protest this project?

You were also going to check to see if I could review the application approved from the Planning Department – Design Approval.

As you know I want to know what “line” the new fence will be placed. Also, there is no existing fence beyond our property corners.

Can you advise what I should do next?

Thank you,  
Barry

**Barry Smith M.D.**

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**From:** Barry Smith

**Sent:** Friday, June 08, 2012 10:58 AM

**To:** 'bernall@co.monterey.ca.us'

**Subject:** PLN120348

Hi Lucy- Good speaking with you this morning reference above. I would like to see the approved design plan and location of proposed fence. We are opposed to this fence on County property as it affects us directly. We have no problem with a fence on their Property. If this project is approved then we would like a Public Input and schedule a hearing on the matter. We are the property owners at 24515 S. San Luis - property owners immediately to the East of project.

Please advise me on the next step to making our concerns known. Please have reviewers look at my previous 3 letters. Thank you.

Sincerely,  
Barry Smith

**Barry Smith M.D.**

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