

# Attachment E

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FILE COPY



# NOTICE OF APPEAL

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

RECEIVED  
MONTEREY COUNTY  
2014 MAR -6 AM 11:43  
CLERK OF THE BOARD  
DR DEPUTY

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 \* (10 days after written notice of the decision has been mailed to the applicant).  
Date of decision \*

1. Please give the following information:

- a) Your name John Bridges (on behalf of Mr. Kevin Dunne)
- b) Address PO Box 791 City Monterey Zip 93942
- c) Phone Number 373-1241

2. Indicate your interest in the decision by checking the appropriate box:

- Applicant
- Neighbor (Kevin Dunne (1023 Rodeo Road))
- Other (please state) John Bridges, attorney representing Mr. Dunne

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

Bruce L. & Susan L. Herman, TRS

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:			
b) Zoning Administrator:	<u>PLN140098</u>	<u>Design Approval</u>	<u>Greater Mty. Peninsula</u>
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).

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

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).

No written findings from the ZA were made available to the public

(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 \$ 1728.07 and stamped addressed envelopes.

APPELLANT SIGNATURE [Signature] DATE 6-6-14

ACCEPTED Dennis Hancock DATE 6-6-14  
(Clerk to the Board)

w/ original applicant signature  
to follow - counterpart

TIME: 11:44 AM

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).

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

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There was a lack of fair or impartial hearing; or

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(See attached)

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

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No written findings from the ZA were made available to the public

(see attached).

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

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APPELLANT SIGNATURE

John S. Bridges/ Kevin Dunne

DATE

6-6-14

ACCEPTED

(Clerk to the Board)

DATE

\_\_\_\_\_

**ATTACHMENT TO NOTICE OF APPEAL  
HERMAN PROJECT (PLN140098)**

The findings and decision are not supported by the evidence and the decision was contrary to law.

The record contains no evidence to support the Zoning Administrator's approval of the project which, as far as we can discern, was based upon the rationale provided in the staff report including, without limitation, that all residential parcels located adjacent to lanes in the MPCC Subdivision areas maintain a 10-foot setback from the lane; that the lane adjacent to the Herman property is the only lane in the MPCC Subdivision that provides access to a residential lot; that a lane is not a street under the Zoning Ordinance; that a front yard setback is only required from a lane which is the source of access to two or more parcels and/or which provides primary access to a parcel; and that there exists a "historic interpretation" that a 20-foot setback is not required from lanes. The project conflicts with the neighborhood design, character, and aesthetic by infringing upon the required 20-foot setback from the lane. The project does not qualify for a categorical exemption under CEQA because there is a reasonable possibility that it will have a significant effect on the environment due to unusual circumstances and the cumulative impact of successive projects of the same type and the same place over time will be significant. (See attached letter to the Zoning Administrator dated May 28, 2014, for additional details.)

MARK A. CAMERON  
JOHN S. BRIDGES  
DENNIS G. MCCARTHY  
CHRISTOPHER E. PANETTA  
DAVID C. SWEIGERT  
SARA B. BOYNS  
BRIAN D. CALL  
TROY A. KINGSHAVEN  
JOHN E. KESECKER  
SHARILYN R. FAYNE  
CAROL S. HILBURN  
ELIZABETH R. LEITZINGER  
CHRISTINA J. BAGGETT  
DOMINICK A. SEVERANCE  
ELIAS E. SALAMEH  
MEGAN G. MAYER

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A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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LEWIS L. FENTON  
1925-2005

OF COUNSEL  
CHARLES R. KELLER  
THOMAS H. JAMISON

JOHN S. BRIDGES

May 28, 2014

JBridges@FentonKeller.com  
ext. 238

VIA EMAIL (lopezmd@co.monterey.ca.us)

Monterey County Zoning Administrator  
c/o Maria Lopez  
168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

Re: Herman Project (PLN140098/APN 007-323-001)  
Our File: 33897.31829

Dear Zoning Administrator:

I am writing this letter on behalf of my clients Heather and Kevin Dunne who are neighbors to the above referenced property. We are writing to express opposition to the project because it does not comply with the applicable zoning setback requirements, it conflicts with and compromises the neighborhood character and aesthetic, and it does not qualify for a categorical exemption under CEQA. The Dunes are not opposed to the applicant remodeling, or even rebuilding their home provided all regulations and processes are followed. In fact, the Dunes did not contest the previous remodel application for the property approved by the County which respected the required setbacks.

Zoning Ordinance setback requirements for this property are simple and straightforward. Section 21.62.040.M says:

In case of a lot abutting upon two or more streets, the main structure and accessory structures shall not be erected so as to encroach upon the front setback required on any of the streets.

Section 21.12.060.C.1 defines the applicable minimum front setback from all streets as 20 feet for main structures.

Section 21.06.1180 defines a private street as:

Private street means an avenue, place, way, drive, lane, boulevard, highway, or road not owned or maintained by a state, county or incorporated city, or other public agency.<sup>1</sup>

As reflected on the subdivision map for the neighborhood approved by Monterey County and recorded at Volume 3, Cities and Towns, Page 29, the access way immediately adjacent to and north of the Herman property is defined as a "Lane" (Attachment 1). Similarly, said access way is also defined as a "Lane" on the Assessor's parcel map at Book 7, Pages 31 and 32 (Attachment 2). Accordingly, the zoning ordinance clearly and unambiguously requires a minimum 20-foot front setback from the lane. The project conflicts with this requirement in that it only provides a 10-foot setback from the lane.

The lane at issue, as well as many other lanes throughout the Monterey Peninsula Country Club Subdivision (MPCC) area, was intentionally designed by the original subdivider as an integral part of the neighborhood character. These lanes serve multiple purposes including, but not limited to, access to adjoining property, public view corridors to the golf course, forested open space, and the Pacific Ocean, and prevention of the creation of a solid wall of building mass bordering the golf course (i.e., to ensure open space relief and view opportunity for interior properties). This design character has been long established (the subdivision was recorded in 1925), enjoyed, and relied upon by the general public and property owners in the MPCC area. These lanes are critical to the land value and reasonable enjoyment of the interior property owners whose homes do not immediately adjoin the golf course.<sup>2</sup>

The fact that some homes in the MPCC area may have been built closer than 20 feet to other lanes is not determinative in this case. Most of those homes were built before 1997 (i.e.,

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<sup>1</sup>We understand the applicant has argued (and has apparently convinced staff) that to be considered a street, a lane must provide access to adjoining property. That is not a part of the zoning ordinance definition. Nevertheless, the lane in question does provide access to adjoining property, namely, the Monterey Peninsula Country Club Shore Course. The lane in question is regularly used (as are many other lanes in the MPCC area; see Attachment 3) by golf maintenance vehicles and personnel, golfers, and the general public for access to the course (reference Declaration of Kevin and Heather Dunne, Attachment 4). See also letters from other neighbors in the Planning file which affirm access uses of lanes in MPCC neighborhoods (Attachment 5).

<sup>2</sup> The majority of letters written in support of the project are from neighbors who do not rely on the subdivision designed lanes for their access to or views of the golf course and the ocean because the letter writers live in golf course fronting homes. The character of the neighborhood is not defined by those who do not rely upon the lanes for the important open space relief, access and views they provide. It is both contrary to the subdivision design and neighborhood character as well as unfair to allow those fortunate few who live in "front row homes" to create a virtual wall of large homes blocking others from any vestige of access or view opportunity.



before “lanes” were added to the zoning definition of street<sup>3</sup>) and/or those homes were approved based on plans that failed to properly acknowledge the lanes and instead disguised them as being something else (e.g., drainage swale or trail). The fact that the lanes are privately owned by Pebble Beach Company is also of no consequence in this case because all of the streets and lanes in the Del Monte Forest are owned by Pebble Beach Company and the operative zoning definition applies to “private” streets.

Finally, the project does not qualify for a categorical exemption under CEQA. CEQA Guidelines section 15300.2.C provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. In this case, the adjacency of the property to the lane as well as the unique placement and role of the lanes in the original subdivision design constitute unusual circumstances applicable to this property and project. Inconsistency with the required zoning setback is also an unusual circumstance. Inconsistency with the zoning and the adverse impacts on the public view opportunities that would result from the proposed project create a reasonable possibility that the activity will have a significant effect on the environment. Also, section 15300.2.B provides that categorical exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant. As discussed above, without proper setback protection of the lanes, the cumulative impact of successive large homes being built along the golf course frontage will result in a significant impact to the neighborhood character and aesthetic for all interior property owners in the neighborhood as well as the general public. Accordingly, an initial study must be prepared for the project and circulated before it can be considered by the Zoning Administrator.

As noted above, the Dunnes are not opposed to a remodel or even a rebuild of the home on the Herman property. The Herman’s proposed design can be accommodated (without substantial change) consistent with the zoning setback requirements by simply moving it 10 feet to the south (which would result in the applicant building the house they want, the neighborhood character being preserved, the public retaining their historic access and view opportunities, and the zoning ordinance being honored). Another design solution would be to reduce the size of the proposed house (which is more or less maxed out in terms of size, mass and height) on the north end and thereby comply with the setback requirement from the lane. Another alternative would be for the applicant to seek a formal variance from the zoning ordinance mandated setback

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<sup>3</sup> Contrary to the staff report theory, because the zoning definition at issue dates back to only 1997, there can be no “historic interpretation” that would override the plain language of the zoning ordinance. Moreover, the County’s written interpretation was in fact different less than two months ago (Attachment 6). When presented with this latest “historic” interpretation (first articulated at the April 17, 2014, LUAC meeting), we asked staff to provide us with proof of such interpretation. No such proof has been provided to date. To ensure a complete public record in the event this question must ultimately be resolved by a judge, attached hereto is a formal Public Records Act Request seeking all County file data regarding application of this zoning ordinance definition in the MPCC area since its adoption in 1997 (Attachment 7).

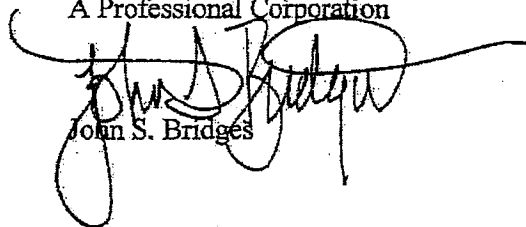
Monterey County Zoning Administrator  
May 28, 2014  
Page 4

(though it is doubtful findings could be made to legally approve such a request). Finally, the applicant could apply to amend the zoning ordinance definitions and/or setback rules to allow a less than 20 foot setback from the lane.

On behalf of many in the neighborhood who are concerned about adherence to setback requirements and about the potential loss of public view corridors and important aspects of the neighborhood character, the Dunnes respectfully request the Zoning Administrator deny the project as proposed.

Very truly yours,

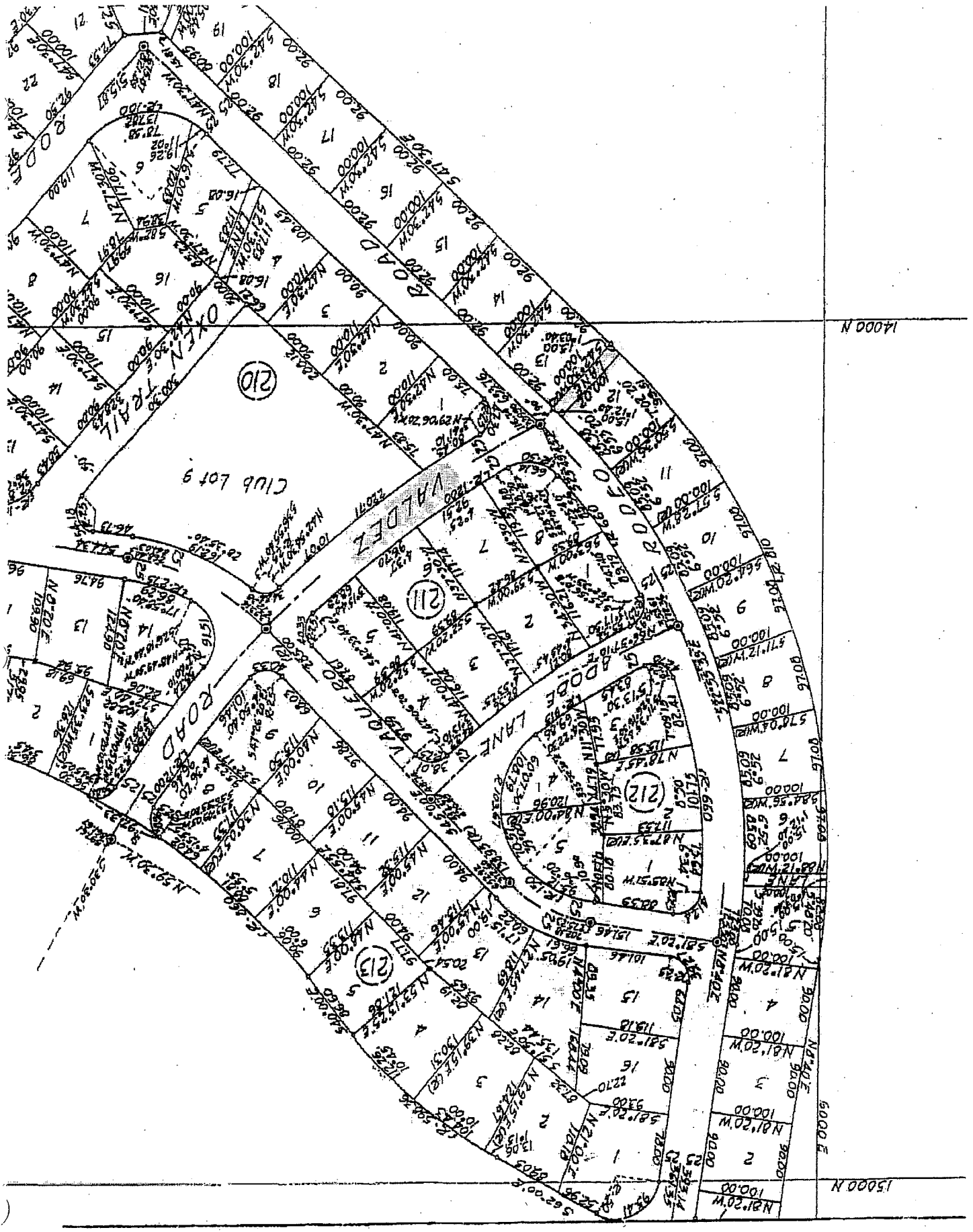
FENTON & KELLER  
A Professional Corporation



John S. Bridges

JSB:kmc  
Enclosures

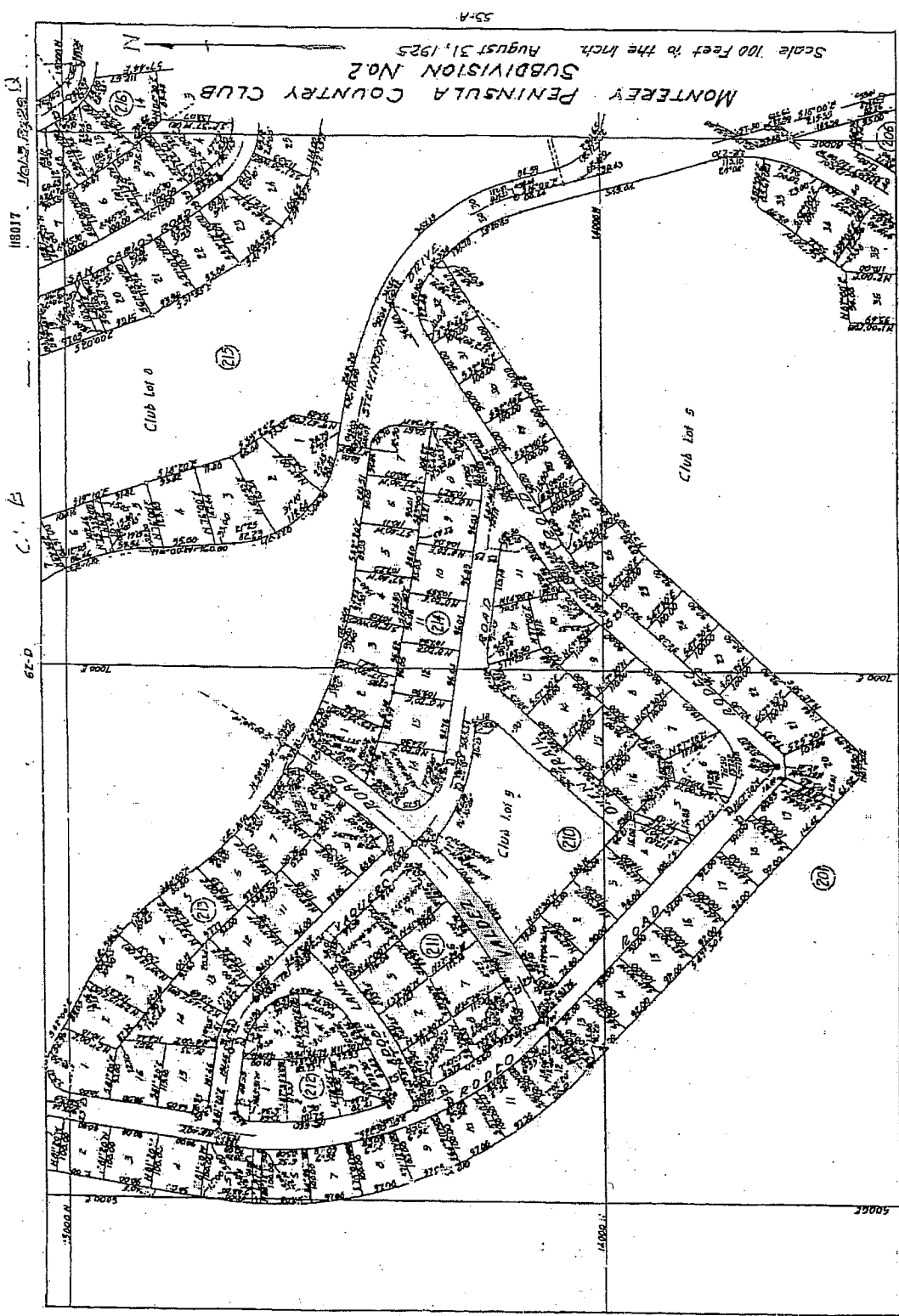
cc: Maria Lopez, Project Planner  
Mike Novo, Planning Director  
Mr. & Mrs. Dunne



14000 N

15000 N

6000 E



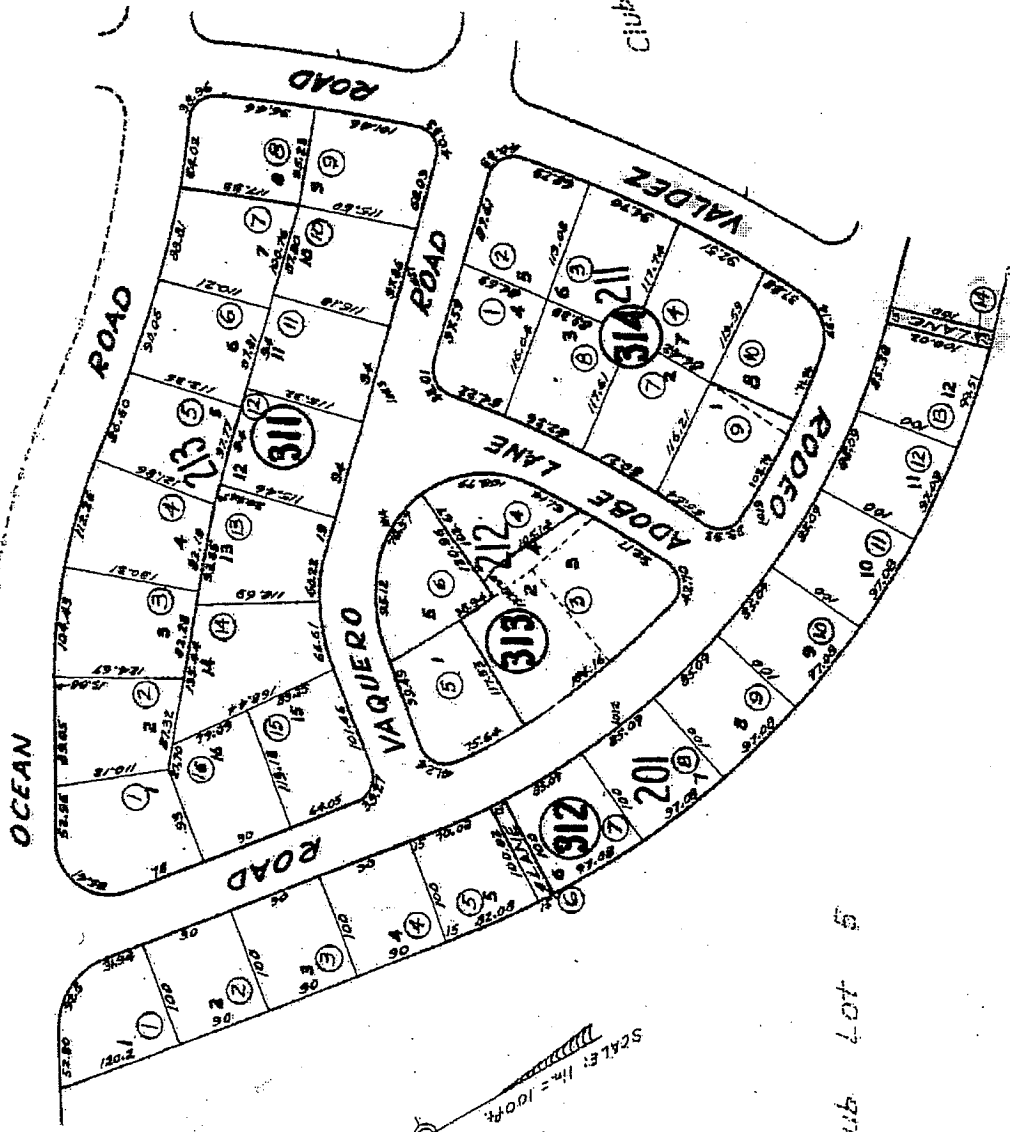
SHEET 32-B

DEPARTMENT OF PUBLIC WORKS  
 COUNTY OF MONTEREY

ATTACHMENT I

29 TAX CODE AREA 102-01

30



ATTACHMENT 2

Club Lot 5

Club Lot 5

M.P.C.C. SUB. No. 2  
BLK. 211, 212 & 213  
LOTS 17 to 12 BLK. 201

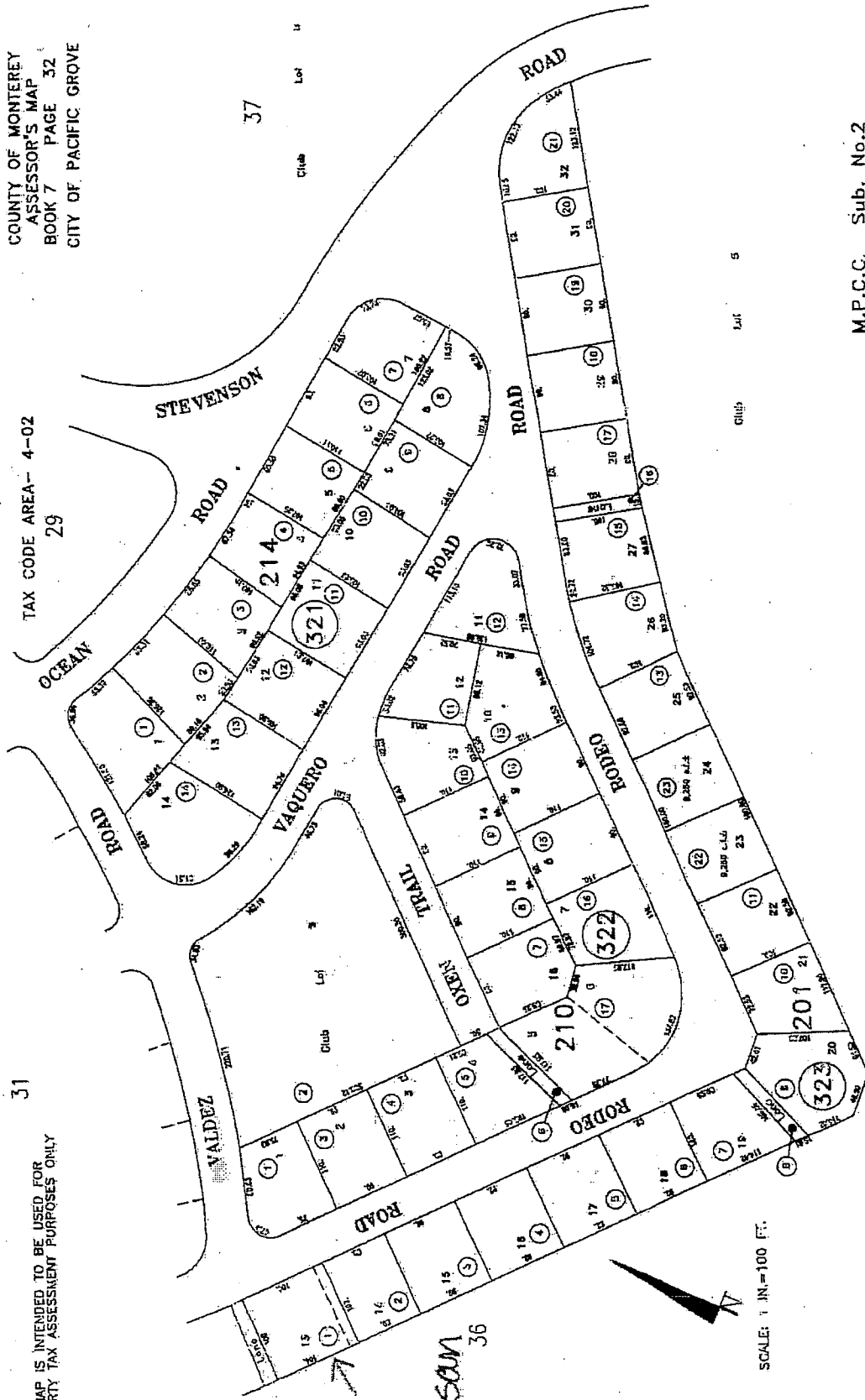
36

COUNTY OF MONTEREY  
ASSESSOR'S MAP  
BOOK 7 PAGE 32  
CITY OF PACIFIC GROVE

TAX CODE AREA- 4-02  
29

31

THIS MAP IS INTENDED TO BE USED FOR  
PROPERTY TAX ASSESSMENT PURPOSES ONLY



37

Club Lot 14

Club Lot 5

36

Herman,  
Bruce + Susan  
36

M.P.C.C. Sub. No.2  
Blk. 210 & 214  
Lots 13 to 32 Blk. 201

SCALE: 1 IN. = 100 FT.

ATTACHMENT 3

Other lanes that provide access to the golf course and/or other adjoining properties for various uses include, without limitation, those near:

2989 Cormorant

3000 Cormorant

3022 Cormorant

954 Coral

1067 Wrangler Trail

1160 Colton Road

1045 Marcheta

1023 Rodeo

1036 Rodeo

ATTACHMENT 4

1  
2 STATE OF CALIFORNIA  
3 COUNTY OF MONTEREY

4  
5 **DECLARATION OF**  
6 **KEVIN AND HEATHER DUNNE**

7 We, Kevin Dunne and Heather Dunne, hereby declare:

8 1. We own the house at 1023 Rodeo Road, immediately across the street from Bruce  
9 and Susan Herman's home at 1024 Rodeo Road. We look down the lane to the North of the  
10 Herman property. We are members of MPCC.

11 2. We have observed the use and access patterns on the Lane for the past three years.  
12 Throughout the day the Lane is regularly used by small trucks, maintenance carts, golf carts and  
13 walkers.

14 3. MPCC greens keepers, maintenance people, and ground crews use the Lane  
15 several times each hour.

16 4. MPCC golfers, both walkers and cart riders, use the Lane when they are in golf  
17 shotguns, and other tournaments. Also, those golfers who want to play less than 18 holes will  
18 start on the 6th Tee on the Shore Course which they access from the Lane.

19 5. Neighbors will walk with or without their dogs down the Lane.

20 6. Most Herman guests enter the home through the rear patio which they access via  
21 the Lane.

22 7. The Lane offers ocean vistas for the public who travel West on Valdez and  
23 provides an important aesthetic component of the neighborhood character.

24 We declare under penalty of perjury under the laws of the State of California that the  
25 foregoing statements are true and correct and that if called as witnesses in this matter we could  
26 and would competently testify thereto.

27 ///

28 ///

FENTON & KELLER  
ATTORNEYS AT LAW  
MONTEREY

(JSB-376544:1)

DECLARATION OF KEVIN AND HEATHER DUNNE



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Executed on this 14 day of May, 2014, at Oxnard, California.

By: Kevin Dunne  
KEVIN DUNNE

By: Heather Dunne  
HEATHER DUNNE

ATTACHMENT 5

May 20, 2014

Monterey County Resource Management Agency-Planning Department  
188 West Alisal Street, 2nd Floor  
Salinas, CA 93901

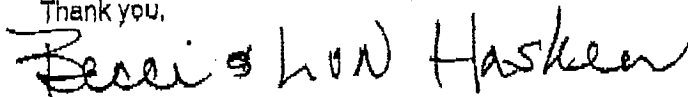
Dear Mr. Ford,

We are members of Monterey Peninsula Country Club and have a home next to an access to the golf course. It has come to my attention that the residents at 1024 Rodeo Road want to access the Lane as their driveway and infringe on the required 20 foot setback. This Lane offers a beautiful view of the golf course and ocean beyond for both residents and visitors. It should not be compromised.

We, our guests, and our fellow members use the lane at the end of Valdez, which is the lane in question, to enter the golf course for golfing or even going to the Shore Shelter for meals. During special events the Lane is heavily used by many for the same purpose.

Please do not grant a zoning change to 10 feet rather than the 20 feet as this is a bad precedent. I know that others have been granted such but it should not have occurred. They got away with something and it is now time to follow the law.

Thank you,



Becci and Lon Haskew

May 21, 2014

Mr. John Ford  
Planning Services Manager  
Monterey County Offices

Dear Mr. Ford,

I am writing this letter regarding the open space properties owned by the Pebble Beach Company in the Del Monte Forest, and specifically about the access path adjacent to the Herman home.

It has been called to my attention that the Hermans are requesting a variance that would affect the open space to the north of their home. I have spoken with Mr. Bowhay, the general manager of MPCC, regarding this matter. He explained to me that MPCC does not own the property in question, that Mr. Herman does not own the property in question and that it is part of the open space controlled by PBCo. We are very supportive of homeowner's rights to develop their privately owned property as they wish, within the bounds of the codes and laws affecting its development.

The PBCo.'s open spaces have brilliantly contributed to the beauty and environment of the Pebble Beach forest and residential community. Those who belong to MPCC and who are residents of Pebble Beach benefit greatly from the beauty of the open spaces that are strategically placed throughout the community. Many have purchased their homes in the belief that these open spaces would continue to exist.

**WE ARE EXTREMELY CONCERNED THAT ANY REDUCTION IN THE OPEN SPACE WILL SET A PRECEDENT FOR OTHERS TO ATTEMPT TO REDUCE OPEN SPACE AREAS, WHETHER IT BE A PATH OR A LARGER PARCEL.**

With all of the present concern about environmental protection and preservation of the natural beauty of the California coast in particular, it seems incomprehensible that any one individual's interest would take precedents over the entire quality of a community, especially if they do not own the property.

We are aware that a few other such cases have been approved in the past. That was a mistake! Let's stop that practice and follow the law. **IF SOME OF US ARE REQUIRED TO OBEY THE BUILDING CODES AND LAWS, SHOULDN'T EVERYONE BE REQUIRED TO OBEY THE SAME LAWS?** All of the homeowners in the Pebble Beach Forest have known since the purchase of their homes/property that the Pebble Beach Company open space was and is not available for building and we pay dues to The Del Monte Forest Association whose main mission is to preserve and increase open space.

We appreciate your consideration and implore you to stop infringing on open space that makes this residential area so beautiful and desirable.

Sincerely,

A Concerned Resident and Member of MPCC

**From:** Ford, John H. x5158  
**Sent:** Monday, May 26, 2014 2:51 PM  
**To:** Ellen Dale  
**Cc:** Lopez Chavarin, Maria x5239  
**Subject:** RE: 1024 Rodeo Rd., Pebble Beach

Thank You Ms Dale:

I have received your email.

John

---

**From:** Ellen Dale [[eldale@pacbell.net](mailto:eldale@pacbell.net)]  
**Sent:** Friday, May 23, 2014 9:24 AM  
**To:** Ford, John H. x5158  
**Cc:** Lopez Chavarin, Maria x5239  
**Subject:** Fw: 1024 Rodeo Rd., Pebble Beach

Dear Mr. Ford,

Ever since you called me last week and said that you never received my email, I have been wondering if you ever did get it. Below is a copy of what I sent on May 15th. Could you let me know that you received it?

I should add that, since I wrote this letter, I have learned that the MPCC grounds crew uses this access lane on a regular basis. I suspect that local wildlife use it as well. Wildlife corridor, view corridor, access to the golf course by players and grounds crew -- I cannot support basically closing it off.

Thank you so much.....Ellen Dale

**From:** Ellen Dale  
**Sent:** Thursday, May 15, 2014 10:40 PM  
**To:** [fordjh@co.monterey.ca.us](mailto:fordjh@co.monterey.ca.us)  
**Subject:** 1024 Rodeo Rd., Pebble Beach

Dear Mr. Ford,

We own a home at 1026 Vaquero Rd. and walk by the proposed home at 1024 Rodeo on a regular basis. We were surprised to see that the new story poles appear to move the house onto the 20' setback for the Lane alongside that lot, parallel to where they have already encroached on the setback with a wall. We are writing in opposition to the applicants being granted a variance allowing their new house to be built that close to the Lane.

We have used this particular Lane on several occasions to access the golf course. We have observed that the folks who live in that house always use their driveway to park their

) cars. Therefore, if they are allowed to move the house 10' north, their cars [or those of their guests] will block the Lane and public access to the golf course. It is likely that the MPCC grounds keepers also use this Lane on a regular basis. It should not become the de facto private property of the applicants.

Since the homeowners use the Lane as a street to gain access to their garage and will do the same with their new house, the current setback should be retained in order to give adequate space for both public and private use of the Lane.

We recognize that many of the Lanes in Pebble Beach have been encroached upon. But, we do not believe that this "precedent" should give any weight to granting them a variance. Many wrongs do not make a right. In fact, the Pebble Beach Company should force residents who have obstructed and taken over the Lanes to remedy the situation. These Lanes are public right of ways and view corridors.

Cutting the opening in half [by giving them permission to move the house 10' north] will reduce the quality of the neighborhood for all of us by blocking the views towards the ocean we all enjoy as we drive or walk by.

We suggest that the owners be asked to build the house according to the plan originally approved and build without any variance. It is not necessary to move the house to the north as is planned.

Sincerely,

) F. J. and Ellen Dale

**From:** Larry Del Santo <[lawrencedelsanto@gmail.com](mailto:lawrencedelsanto@gmail.com)>  
**Date:** May 27, 2014 at 3:47:40 PM PDT  
**To:** [fordjh@co.monterey.ca.us](mailto:fordjh@co.monterey.ca.us)  
**Subject:** Rodeo Road Access

Dear Mr. Ford,

We just learned that a resident on Rodeo Road in Pebble Beach is trying to get a 10 foot setback on a Lane beside his house. This would be a variance as it is against the code of maintaining a 20 foot setback on Lanes within Pebble Beach.

We have a Lane next to our house at 954 Coral Drive which has the 20 foot setback, is next to the seventeenth tee on the Dunes course and we are members of MPCC. When we had our daughter's wedding a couple of years ago we used this Lane for trucks to deliver the chairs, tables, food, etc. Without the ability to have trucks enter to our back yard, which abuts the golf course, we couldn't have had a tent delivered or the other accoutrements that constitute wedding items. Many of the Lanes have been encroached upon by adjoining neighbors and would not permit access for the trucks nor golf carts. Soon the Lanes will be gone.

We are against infringing on the required 20 foot setback for a resident's personal use. The Lanes are for public access, golf course maintenance access, views to the ocean, and the general good for the neighborhood. Hopefully the County will uphold its own laws and codes that were enacted for the good of everyone and not just one person.

Mary and Larry Del Santo

Larry Del Santo  
954 Coral Drive  
Pebble Beach, CA  
[lawrencedelsanto@gmail.com](mailto:lawrencedelsanto@gmail.com)  
925-997-9663 cell

ATTACHMENT 6

**MONTEREY COUNTY  
RESOURCE MANAGEMENT AGENCY**

Benny J. Young, Director  
Carl P. Holm, AICP, Deputy Director

---

Michael A. Rodriguez, C.B.O., Chief Building Official  
Michael Novo, AICP, Director of Planning  
Robert K. Murdoch, P.E., Director of Public Works



168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
<http://www.co.monterey.ca.us/rma>

**MEMORANDUM**

**Date:** April 4, 2014

**To:** Del Monte Forest Land Use Advisory Committee

**From:** Maria Lopez, Land Use Technician

**Subject:** Herman/PLN140098 (Meeting of April 17, 2014)

This memo serves as a follow up to the LUAC meeting of March 20, 2014 in which attorney John Bridges submitted information that would suggest a setback discrepancy from a "lane" owned by the Pebble Beach Company.

The Herman application consists of a demolition of an existing structure and construction of a new two story single family dwelling. The existing setback from the "lane" currently is 20 feet. A Design Approval was approved in March, 2013, with a 20 foot setback from the "lane". This current application shows a 10 foot setback from the lane.

Staff spoke with the Pebble Beach Company regarding the "lanes" that are located between some of the private properties. Margaret Leighton stated that "Each of these "lanes" in the Del Monte Forest has a separate AP Number is owned by Pebble Beach Company and is classified as "Open Space". Our Road system has two AP numbers - one is 007-991-001-000 for the Country Club area and the other is 008-991-001-000 for the Coastal Zone area." This understandable, as the neighboring structure on the other side of the "lane" has a side setback of 10 feet from the "lane" and a 20 foot setback from Rodeo Road. And that is because the structure is facing Rodeo Road.

The proposed Herman project faces the lane and requires entry to their property from the "lane";

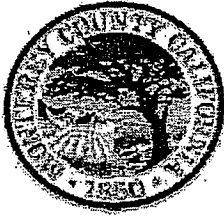
and therefore, would be considered a front setback. Pursuant to Section 21.06.1030 (Setback, Front) of Monterey County Code (Title 21), "*Front setback means a setback from the edge of a private or public road right-of way or adopted official plan line to the nearest point of the structure.*" Therefore, in order to comply with County regulations, the applicant shall submit the following for consistency:

- 1) Obtain permission from the Pebble Beach Company to have access from the lane to the Herman residence; and
- 2) Revise the plans to reflect a 20 foot front setback from the "lane".



\* Maps attached to original on file in the County's Planning File PLN140098

ATTACHMENT 7



MONTEREY COUNTY RMA  
Department of Building Services  
Department of Planning  
168 W Alisal St 2<sup>nd</sup> Floor Salinas CA 93901  
Fax (831) 757-9516

**PUBLIC RECORDS REQUEST FORM**

This form can be submitted in person, by U.S mail, by fax or e-mailed to: 299-recordsrequest@co.monterey.ca.us

**REQUESTOR INFORMATION (PLEASE PRINT OR TYPE)**

REQUESTOR NAME: John Bridges @ Fenton & Keller DATE: May 28, 2014

Please indicate the best way for Staff to reach you regarding your request:

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE & ZIP: \_\_\_\_\_

PHONE: 373-1241 CELL: \_\_\_\_\_

E-MAIL: jbridges@fentonkeller.com

**DESCRIPTION OF RECORDS REQUESTED (If known, the following information will help fulfill the request)**

Assessor's Parcel Number(s): (See attached maps; only partial list available at this time) \*

Property Address: (See attached maps) \*

PLEASE NOTE: The County has jurisdiction only within the unincorporated parts of the county boundaries, and we do not retain records for land following annexation into city limits. Therefore, no research requests for parcels inside city limits can be honored. Building permits were first issued for residential parcels in 1954; permits for residences converted from other structures began in 1957.

Type of Records: (list specific permit numbers of interest below if applicable)

SPECIAL NOTE - Additional planning records may be available by making a separate request below for the Planning Department.

Building       Grading       Code Enforcement       All

Time Period for Records: Beginning Date 9 / 1 / 97 Ending Date 5 / 29 / 14

Description: All files/materials/applications/plans/approvals/permits granting a less than 20 foot setback from lanes (shown on the MPCC Subdivisions 1-3 maps).

SPECIAL NOTE - Additional planning records may be available from the Planning Department.

Design Approval     Minor Sub-division     Zoning     Permit waivers (trees)     Planning     All

**GUIDELINES**

1. Appointments for file review are made IN ADVANCE ONLY during normal office business hours, and subject to staff availability.
2. All payments made with a credit card are subject to an additional 1.7% Credit Card Use fee.
3. Original records may not be removed from their original file jackets, reorganized or removed from the premises under any conditions.

FENTON & KELLER

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KRISTIE M. CAMPBELL

June 9, 2014

KCampbell@FentonKeller.com  
ext. 217

VIA HAND DELIVERY

Clerk to the Board  
c/o Denise Hancock, Board Clerk  
168 W. Alisal Street, 1st Floor  
Salinas, CA 93901

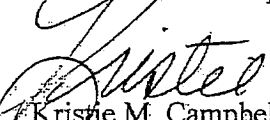
Re: Appeal re Herman Project (PLN140098)  
Our File: 33897.31829

Dear Denise:

Per our conversation on Friday, enclosed is the signature page of the Notice of Appeal regarding the Herman project, which page has the original signature of Kevin Dunne. Please attach this to the Appeal that we filed with you on Friday, June 6, 2014. That appeal had the original signature of John Bridges, the representative for Mr. Dunne, and you informed me that I could bring in the original signature of Mr. Dunne as soon as I received it. Thank you for your assistance in this matter.

Very truly yours,

FENTON & KELLER  
A Professional Corporation

  
Kristie M. Campbell  
Administrative Assistant

:kmc  
Enclosure

{KMC-385757;1}