

Attachment H

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February 12, 2016

Monterey County Board of Supervisors
% Gail T. Borkowski, Clerk of the Board
PO Box 1728
Salinas CA 93902

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CLERK OF THE BOARD

RE: Appeal of Denial of PLN1410011


DEPUTY

Dear Honorable Members of the Board of Supervisors:

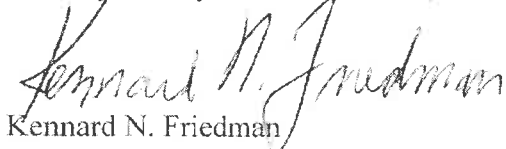
I have reviewed a draft of the appeal of the denial of our joint application for an equal area lot line adjustment (PLN1410011) written by Atty Steven Beals on behalf of his clients and our co-applicants, Alan and Sandra Cordan. On behalf of the Harry R. Friedman Living Trust and the Ilse E. Friedman Living Trust, I submit this letter in support of the appeal on the basis that the rationale for the decision included an error of law.

In accordance with Friedman Trusts' settlement agreement with the Cordans, I co-signed PLN1410011 to partially clear zoning violations identified in 13CE00306.

The Planning Commission denied our joint application in part because the Commissioners concluded that the Lot Line Adjustment affected an environmentally sensitive area. On behalf of the Friedman Trusts, I agree with Mr. Beals that **Dieguito Partnership v. City of San Diego**, (7 Cal. App. 4th Dist., 750 et. Seq. 1992) applies and prohibits Monterey County from basing its decision on the environmental impact of the requested Lot Line Adjustment. In **Dieguito Partnership**, the Appeals Court was reviewing the decision of the Superior Court affirming denial of a Lot Line Adjustment by the City of San Diego. The court noted: "... whether particular land is "environmentally sensitive" plays no role in determining the applicability of the [lot line adjustment] statute. If the trial court factored the "environmentally sensitive" aspect into its decision, it erred". (7 Cal. App. 4, 762, [] added for clarity).

Therefore, on behalf of the Friedman Trusts, I agree that the Planning Commission does not have the authority to factor finding #5 of its Resolution #16-005 into its decision denying the lot line adjustment.

Thank you for your consideration,


Kennard N. Friedman

Managing Trustee
Harry R. Friedman Living Trust and Ilse E. Friedman Living Trust
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Oshkosh, WI 54901

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