

# Attachment E

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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 \_\_\_\_\_  
The findings or decision or conditions are not supported by the evidence   
The decision was contrary to law

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)

*Please see attached.*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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)

*Please see attached.*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. You must pay the required filing fee of \$3,540.00 (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.

**The appeal and applicable filing fee must be delivered to the Clerk to the Board or mailed and postmarked by the filing deadline to PO Box 1728, Salinas CA 93902. A facsimile copy of the appeal will be accepted only if the hard copy of the appeal and applicable filing fee are mailed and postmarked by the deadline.**

APPELLANT SIGNATURE *Alex Lorca* Date: *4/25/22*  
Alex Lorca, Representative

RECEIVED SIGNATURE \_\_\_\_\_ Date: \_\_\_\_\_

# FENTON & KELLER

A PROFESSIONAL CORPORATION

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ALEX J. LORCA

April 25, 2022

[ALorca@fentonkeller.com](mailto:ALorca@fentonkeller.com)  
ext. 258

County of Monterey Board of Supervisors  
c/o Clerk of the Board  
PO 1728  
Salinas, CA 93902

Re: PLN210231 (Huff)/ Zoning Administrator Resolution 22-013  
Our File: 36070.35769

Dear Board of Supervisors:

This letter serves as an attachment to the Notice of Appel in the above referenced matter (Project).

7. For a detailed statement in support of this appeal, please see enclosed letter from Alex Lorca to Monterey County Zoning Administrator dated March 24, 2022. Generally, the Project is inconsistent with the Del Monte Land Use Plan (LUP), the direction given to the Project applicants by the Del Monte Forest Land Use Advisory Committee (LUAC), and the Del Monte Forest Architectural Standards and Residential Guidelines (Guidelines).
8. Again, reference is made to the enclosed March 24, 2022 letter from Alex Lorca to the Monterey County Zoning Administrator.

With respect to Zoning Administrator Resolution 22-013:

- Finding 1 is not supported by the evidence. Evidence presented in the March 24, 2022 letter, as well as the presentation made by immediate neighbors Fred and Gale Krupica at the April 14, 2022 Zoning Administrator hearing, demonstrated the Project's inconsistency with the LUP, the LUAC's direction, and the Guidelines with respect to setbacks, driveway length and position, aesthetics, noise, and privacy concerns.
- Finding 2 is not supported by the evidence. Evidence presented by Fred and Gail Krupica at the April 14, 2022 Zoning Administrator hearing demonstrated that health issues of immediate neighbor Gale Krupica would be adversely impacted should the

PLN 210231  
April 25, 2022  
Page 2

Project be approved as submitted. Also, evidence was presented that the Project is inconsistent with the neighborhood character.

Please note, I will be out of the country from June 7-27. Therefore, I will be unavailable to represent the Krupicas at the appeal hearing during that time. As such, the Krupica's respectfully request the appeal hearing for this matter not be set during that timeframe.

Very truly yours,

FENTON & KELLER  
A Professional Corporation

A handwritten signature in black ink, appearing to read 'AJL', with a long horizontal line extending to the right.

Alex J. Lorca

AJL:ajl  
Encl: March 24, 2022 Letter  
cc: Clients (via email)  
Clerk of the Board (via email)  
Son Pham-Gallardo (via email)

CHRISTOPHER E. PANETTA  
SARA B. BOYNS  
BRIAN D. CALL  
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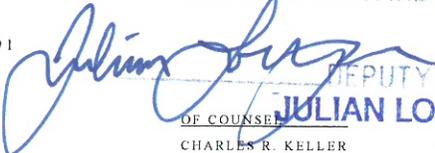
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CLERK OF THE BOARD

  
DEPUTY

JULIAN LORENZANA

OF COUNSEL  
CHARLES R. KELLER  
THOMAS H. JAMISON  
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ALEX J. LORCA

March 24, 2022

ALorca@fentonkeller.com  
ext. 258

**VIA EMAIL (pham-gallardos@co.monterey.ca.us)**

Monterey County Zoning Administrator  
c/o Son Pham-Gallardo  
1441 Schilling Place  
Salinas, CA 93901

Re: 1125 Spyglass Woods Drive, Pebble Beach, CA (PLN210231)  
Our File: 36070.35769

Dear Zoning Administrator:

This office represents Fred and Gale Krupica, who own the property next door to the above-referenced project ("Project"). As designed, the Project cannot be approved as it is inconsistent with the Del Monte Forest Land Use Plan (LUP), the Del Monte Forest Land Use Advisory Committee's (LUAC) comments on the Project, and the Del Monte Forest Architectural Standards and Residential Guidelines (Guidelines).<sup>1</sup>

### **I. The Del Monte Forest Land Use Plan Prohibits the Proposed Driveway**

The LUP, at Freshwater and Marine Resource Policy #1, provides, "[n]ew residential driveways and other vehicular surfaces shall be kept to the minimum length and width to provide simple, direct access..."

As can be seen by the submitted plans, the proposed driveway is inconsistent with this policy because it runs nearly the entire length of the property in a north/south alignment. (See Figure 1.) In fact, the driveway, as proposed, would run nearly the entire length of the parcel:

<sup>1</sup> The Guidelines may be found at: [https://dmfpo.org/wp-content/uploads/2020/03/ARB\\_ResidentialGuidelines-4-1-20.pdf](https://dmfpo.org/wp-content/uploads/2020/03/ARB_ResidentialGuidelines-4-1-20.pdf)

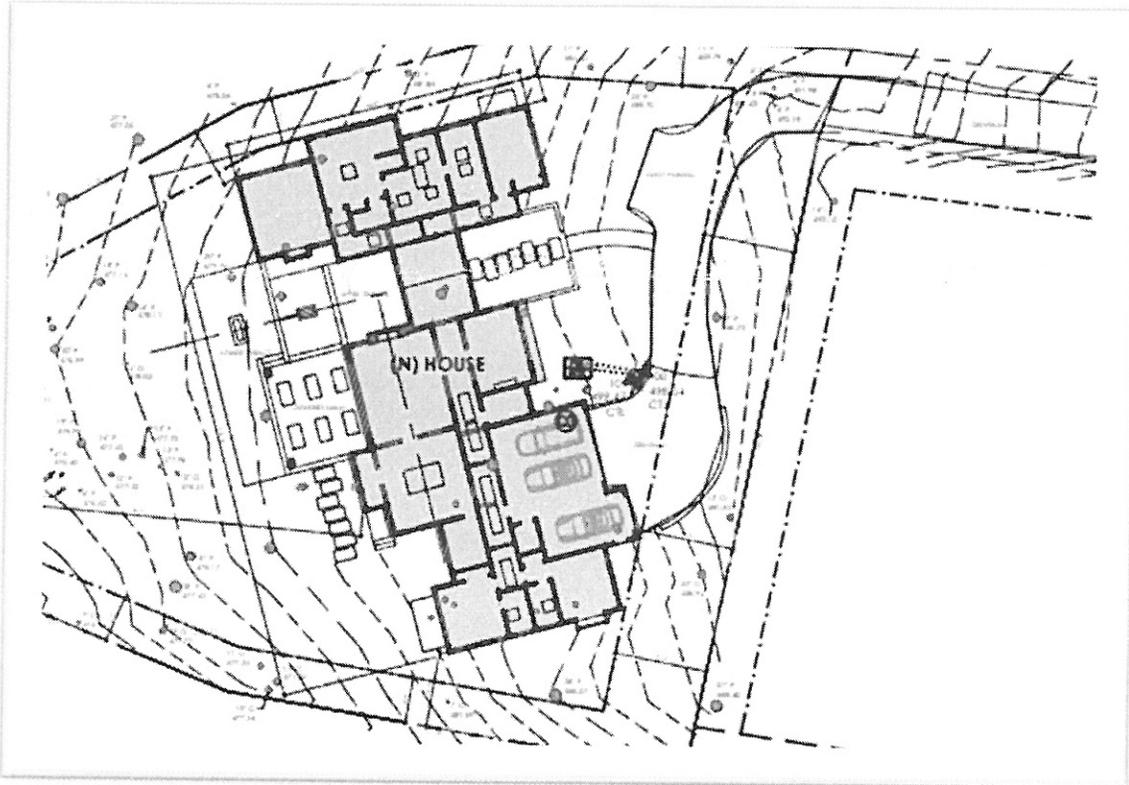


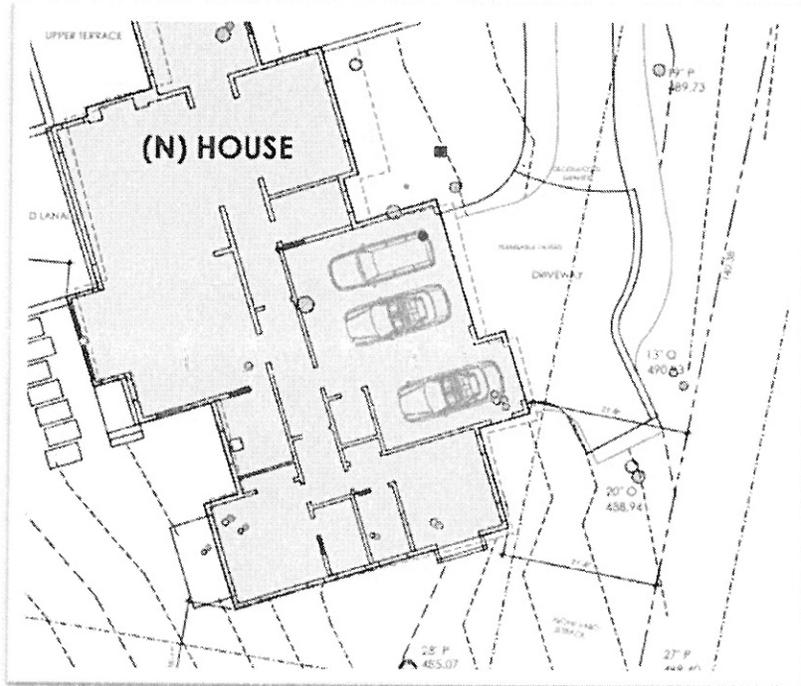
Figure 1.

## II. The LUAC Directed a Redesign of the Project

The Project was reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) on December 16, 2021. After much deliberation, the LUAC voted to support the Project, but with changes. The LUAC stated the Project Architect should “consider shifting the building to address the [Krupica’s] concern.”

Unfortunately, the Project architect only made a token revision to the plans: shifting the Project a mere 1.75 feet away from the mutual property line. This change is inconsistent with the LUAC’s direction because it does not address the Krupica’s concerns regarding noise, aesthetics, and privacy.

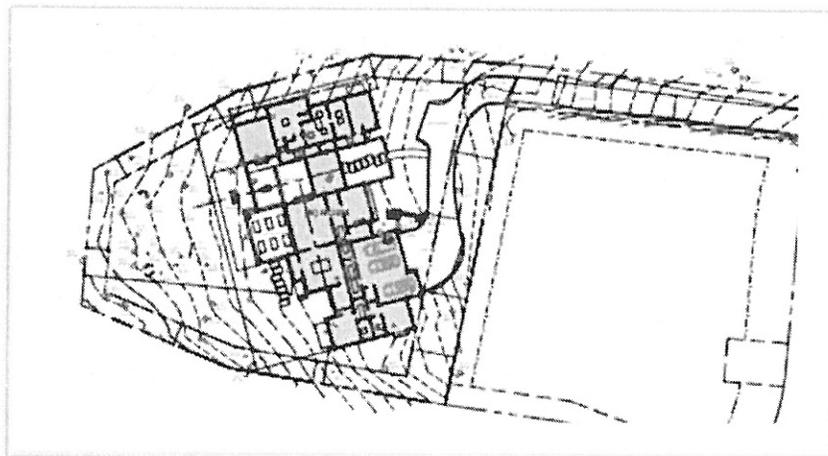
The following shows the token realignment over the original plans (in red):



**Figure 2.**

This realignment is a far cry from the suggestion of LUAC member Bart Bruno, who suggested the Project be “flipped” to place the driveway and motor court at the north end of the site. Such design would bring the Project into compliance with the LUP, the Guidelines, and would address the Krupica’s concerns.

Alternatively, the Project could be oriented on an East/West alignment since the Project site is a “pie” shaped lot.



**Figure 3.**

If the Project was rotated 90 degrees counterclockwise, the home would better fit on the lot, the driveway length would be minimized, and the Project's guest bedrooms would be closest to the Krupica's residence.

### **III. The Garage and Driveway Violate the Guidelines**

Pursuant to the covenants, conditions, and restrictions applicable to properties in the Del Monte Forest, all residential development in Pebble Beach is subject to the Guidelines. While the Guidelines are not binding on the County of Monterey, they provide guidance to all projects in the Del Monte Forest to "foster careful design and harmony between structures and the surrounding environment and to enhance the overall desirability of living within the Del Monte Forest." In other words, the Guidelines ensure a project is consistent with the surrounding neighborhood.

#### **A. The Proposed Driveway Length is Inconsistent with the Guidelines**

The Guidelines, in the section entitled "The Design and Construction Standards," provide guidance for garage and driveway placement on Page 13, "Garages and Parking," as follows: "The garage should be located to minimize the length of the driveway..."

As can be seen in Figure 1 above, the garage is placed at the far eastern end of the lot, with the proposed driveway running approximately 2/3 of the entire length of the north-south direction of the lot. Such design fails to respect the requirement that the driveway length be minimized. A compliant design would place the driveway and motor court at the north end of the lot.

#### **B. The Driveway Exceeds Setback Limits.**

The Design and Construction Standards at "Foundations,"<sup>2</sup> states "... driveways ... may be allowed to extend into any required setback up to *two feet* subject to ARB approval." (Emphasis added )

Notwithstanding this regulation, Page A2 of the Project plans entitled, "Proposed Site Plan" shows the driveway will impermissibly encroach into the front setback by more than 10 feet, far exceeding the permitted maximum of two feet. (See Figure 4.)

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<sup>2</sup> Guidelines at page 13.

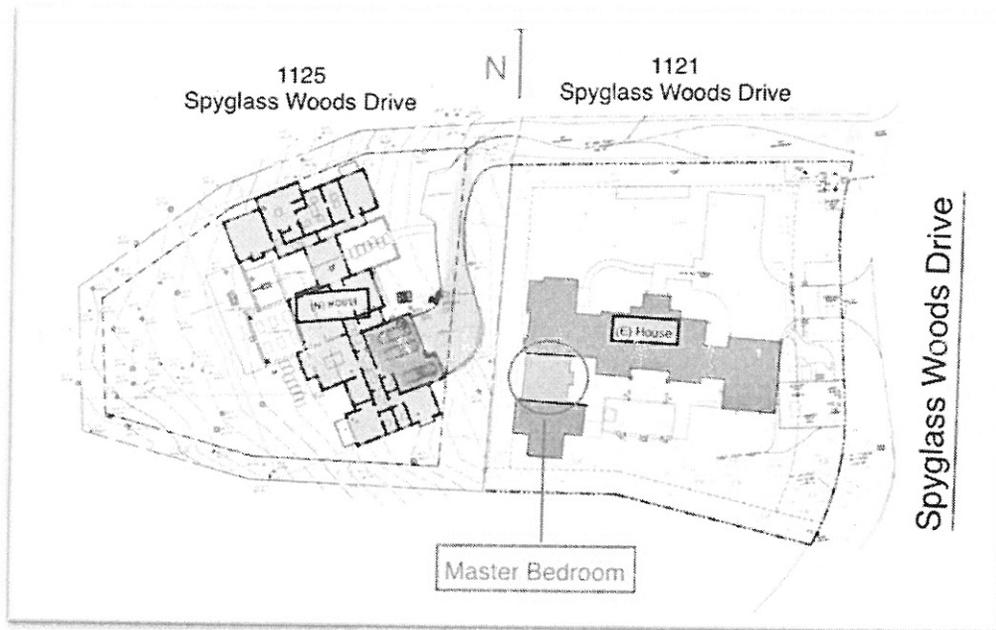


Figure 4.

Unfortunately, at its October 7, 2021, meeting, the ARB decided to ignore the setback requirements of the Guidelines in order to approve the Project. In doing so, the ARB Board presented no evidence suggesting the drafters of the Guidelines inadvertently included “driveways” in this guideline. Rather, the inclusion of “driveways” under Foundations is identical in both the current, April 2020, and previous, January 2002, Guidelines. Moreover, we note evidence that the current language was specifically reviewed, intended and approved as written, as the April 2020 version was further restricted by the modifier “may be allowed ... subject to ARB approval.”

Note that the findings for an exception to the setback rule cannot be met in this matter. In order to show an exception should apply, the Guidelines, at page 8, place the burden of proof on the project applicant to show that an exception is warranted. Criteria for an exception include, “saving significant trees, vegetation or environmentally sensitive habitat, avoiding unnecessary cuts and fills, or because a design, though desirable and compatible, is so unique in concept that it is beyond the scope of such standards.”

Here, none of the applicable criteria for an exception are present. No significant trees, vegetation, or environmentally sensitive habitat would be saved by allowing the driveway as currently planned, and no cutting, filling, or grading would be saved because the entire eastern side of the property will be developed. In fact, more trees would be saved, and cut/fill reduced, by building a shorter driveway to the garage located at the north end of the property. Also, the proposed home is not so unique in design or concept that the Guidelines should not be applied. Rather, the proposed home is of a single-story common design.

Finally, excepting the driveway would not be consistent with the intent of the Guidelines. To the contrary, while the Guidelines speak in terms of goals and policies of the ARB, with respect to setbacks, they are clear: driveways may only extend into a setback up to two feet. Even then, such intrusion is “subject to ARB approval.” (Guidelines at p. 13, “Foundations.”)

### C. The Driveway Location must be as Unobtrusive as Possible.

The Design and Construction Standards reference “Pools, Spas, Etc., Building Siting” on page 13 as follows, “The location of the main structure (or structures) and the driveway should be as unobtrusive as possible to neighboring properties in particular and the community in general.”

The Project is sited at the very front edge of the lot, noticeably crowded up next to the Krupica’s home, with the long driveway positioned in the front setback. Of particular concern is the proposed garage directly across from the Krupica’s master bedroom and bathroom windows at the west end of their home.

The Project’s current design will create intrusive noise at the Krupica’s bedroom windows from car and garage door operation, as well as unhealthy exhaust fumes. This will require the Krupicas to keep their bedroom windows closed.

## IV. The Krupica’s Project Complied with All Regulations

The Project and the Krupica’s residence are located in the “Spyglass Woods” neighborhood as seen below. The Krupica’s home is on Lot 5, the Project on Lot 4.

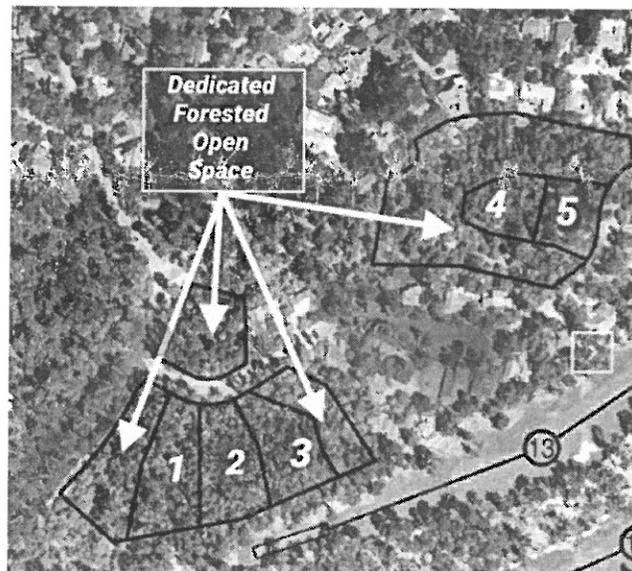


Figure 5.

As can be seen in Figure 5, the outstanding feature of the “Spyglass Woods” neighborhood is its scenic and private nature, surrounded by forest.

When designing their home, the Krupicas abided by the requirements of the Del Monte Forest LUP and Guidelines to have the shortest driveway possible. And, as noted, the Krupicas redesigned a patio area to ensure privacy and setback requirements were met.

Figure 6 shows the driveway the Krupicas initially wished to install, but that was rejected due to its length. It also shows the original location of a patio that was to be installed on the western side of the Krupica’s property.

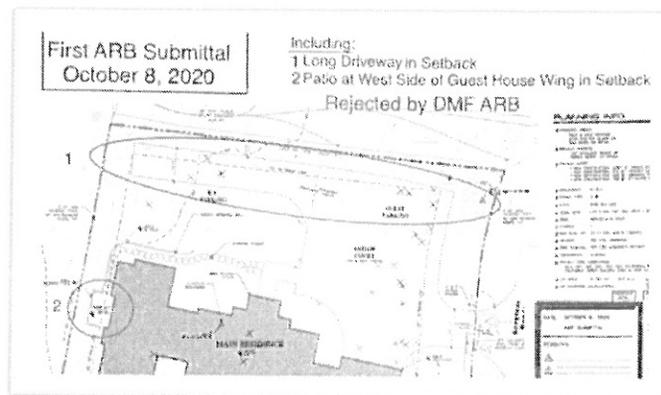


Figure 6.

Figure 7 shows the eventual location of the driveway and patio, per the direction of the ARB.

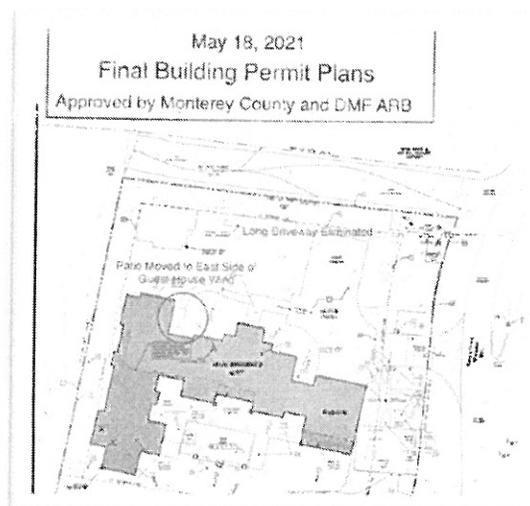


Figure 7.

In contrast, the Project not only violates the Del Monte Forest LUP and Guidelines, but it also disregards the privacy that is at the center of the Spyglass Woods neighborhood. The Krupicas never imagined a project next door would place a driveway and motor court mere feet from their bedroom.

**V. The Krupicas have offered to help Underwrite efforts to Redesign the Project**

Consistent with LUAC member Bart Bruno's recommendation, the Project could be "flipped" to place the driveway and motor court at the north end of the lot. This would render the Project consistent with the Del Monte Forest LUP, as well as the Guidelines, and address the Krupica's concerns. Importantly, the Krupicas have offered to contribute to the architect's redesign of the Project to bring it into compliance with all regulations, and to address the Krupica's concerns.

In summary, because the Project does not meet the requirements of the LUP and Guidelines, and because it ignores the LUAC's direction, it cannot be said to be consistent with the surrounding neighborhood.<sup>3</sup> When building their home, the Krupicas were required to follow all regulations and did so willingly. All they are requesting is that the Project do the same.

Very truly yours,

FENTON & KELLER  
A Professional Corporation



Alex J. Lorca

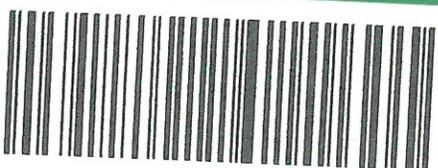
AJL:kmc  
cc: Clients (via email)  
Enclosure: Cristofalo Letter

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<sup>3</sup> Please find enclosed a letter from long-time local builder Mark Cristofalo regarding the Project's inconsistencies with the applicable regulations.

**CERTIFIED MAIL**

**FENTON & KELLER**  
A PROFESSIONAL CORPORATION  
P.O. Box 791  
Monterey, CA 93942-0791



7015 0640 0000 9202 1771

SAN JOSE CA 950

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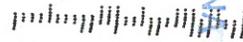
4-27

County of Monterey Board of Supervisors  
c/o Clerk of the Board  
PO 1728  
Salinas, CA 93902

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