

# Exhibit B

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**From:** Erik Lundquist <erik@brodiegrp.com>  
**Sent:** Wednesday, January 29, 2025 10:08 AM  
**To:** Spencer, Craig <SpencerC@countyofmonterey.gov>  
**Cc:** Jensen, Fionna <JensenF1@countyofmonterey.gov>; Beretti, Melanie <BerettiM@countyofmonterey.gov>; Henry Ruhnke <Henry@wrdarch.com>; Casey Jerome <caseyj@wrdarch.com>; Bailey Sullivan <bailey@brodiegrp.com>  
**Subject:** Fwd: RISDEL INC - PLN240149 - General Plan Amendment, Public Interest

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Hi Craig

I appreciated the call yesterday regarding the Risdell project. As I shared with you, there has been some misconception that general amendments need to be of "public benefit." On the contrary, general plan amendments do need to be in the "public interest" (Section 65358(a) of the Government Code). Public benefit and public interest are not synonymous. "Public benefit" typically refers to a specific program or service that is tangible while "public interest" is a more abstract concept encompassing a broader concept of general welfare and well-being (the public good).

To assist in the evaluation of public interest, Section 21.91.50 of the Monterey Code provides,

- 1. The amendment is not in conflict with the goals, objectives, and policies of the general plan that are not proposed for amendment; and*
- 2. The applicant demonstrates, based on substantial evidence, one or more of the following:*
  - a. There is a demonstrable error or oversight in the adopted general plan; or*
  - b. There is a clear change of facts or circumstances; or*
  - c. The amendment better carries out the overall goals and policies of the general plan."*

We believe the proposed general plan amendment is consistent with the aforementioned evaluation criteria and is in *the best interest of the public* by maintaining desirable open space rather than open space with private improvements and other

encumbrances. Having unencumbered open space appropriately designated is in keeping with the goals, objectives, and policies of the general plan and better carries those out.

I hope you will pass this information along to Steve with the reassignment of the project. Additionally, would you let him know that I will be submitting a letter related to this matter and our evidence in support of the findings for all of the requests. We are hoping for the early assessment in February.

Thank you again and I hope you have a great rest of your week.

Thank you

Erik

**Erik V. Lundquist, AICP**

*Principal, Land Use Planning & Permitting*

(707) 888-6386 | [www.brodiegrp.com](http://www.brodiegrp.com)

480 Gate 5 Road, Suite 100, Sausalito, CA 94965

Quail Meadows Homeowners Association  
5489 Oak Trail  
Carmel, CA 93923  
% Dr. Darren Williams, Board President  
darrenw@me.com  
(831) 210-2534

October 25, 2024

County of Monterey  
Housing and Community Development Department  
% Senior Planner Fionna Jensen  
1441 Schilling Place, 2nd Floor  
Salinas, CA 93901  
(831) 755-5025  
JensenF1@countyofmonterey.gov

**Re: Quail Meadows HOA / Risdell, Inc. Project - APNs 151-171-032, - 033 and 157-171-064 -  
County Project PLN240149**

Dear Ms. Jensen

The Quail Meadows Homeowners Association (Quail Meadows HOA), a California nonprofit mutual benefit corporation, is the property owner of a 181.92 acre parcel, commonly known as Parcel F, within the Quail Meadows subdivision (APN 157-171-064). Quail Meadows HOA Board and Risdell, Inc. are partnering on a project that will ultimately adjust the boundaries of the Quail Meadows HOA and Risdell, Inc. properties to better suit a more logical configuration of its parcels in light of the existing private improvements and other encumbrances that are occurring on that portion of Parcel F adjoining, and directly west, of Parcel 33 (APN 157-171-033).

The approximately 39,034 square foot portion of Parcel F, adjoining Parcel 33, is developed with a paved motor court, retaining walls, driveway and pedestrian pathways. The land has also recently experienced grading and landscaping. As described in the attached Title Report dated February 12, 2024, prepared by Chicago Title Company, the 39,034 square foot land area is fully encumbered by easements. The improvements and easements are contradictory to the intended purpose of the previously dedicated open space parcel.

The Quail Meadows Subdivision was approved in 1989 allowing the original 616 acre parcel to be subdivided in 58 lots consisting of 56 residential lots, a lot for inclusionary housing and a lot for a seminar center. The developer of the subdivision used the allowable development density in a

Quail Meadows HOA / Risdell, Inc. Project  
County Project PLN240149  
October 25, 2024

clustered manner thereby leaving the remainder of the property undeveloped, with the exception of trails, trailheads and other recreational amenities. Parcel F was one of the undeveloped parcels. However, as indicated herein, that 39,034 square foot portion of Parcel F has recently been improved inconsistent with the original purpose.

The Quail Meadows HOA Board is seeking to correct this inconsistency and deed that 39,034 portion of Parcel F to the Risdell, Inc. in exchange for acquiring a similarly sized parcel of land (27,056 square feet) on the easterly side of Parcel 33. Quail Meadow HOA Board prefers this 27, 056 square foot portion of Parcel 33 since it has an existing 10 foot wide recreational trail. Acquiring this portion of land, and a 30 foot strip of land adjoining Parcel 32, in fee simple is preferred by Quail Meadows HOA Board so it may make improvements to the trail in the future that may extend beyond the 10 foot easement. Future improvements could include making the recreational trail a fire access, which is a criteria of the subdivision's Firewise classification.

The Quail Meadows HOA Board believes that this lot line adjustment, and associated General Plan Amendment and Rezone, are in the best interest of the public by maintaining desirable open space rather than open space with private improvements and other encumbrances. Ultimately the homeowners will need to approve of the land transfer, which will occur in advance of any title transfer and subsequent to the County's conditional approval. As such, the Quail Meadows HOA Board respectfully requests that the County of Monterey support and approve the project PLN240149, as proposed.

Sincerely,

  
Darren Williams (Oct 29, 2024 12:22 PDT)

Dr. Darren Williams, Board President  
President

encl: Chicago Title Company Preliminary Title Report dated February 12, 2024.

Cc. Wald, Ruhnke & Dost, LLP, % Henry Ruhnke, 2340 Garden Road, Suite 100, Monterey, CA 93940  
Brodie Group, % Erik V. Lundquist, 480 Gate 5 Road, Suite 100, Sausalito, CA 94965

February 12, 2025

County of Monterey  
% Housing and Community Development  
1441 Schilling Place, 2nd Floor South  
Salinas, CA 93901  
(831) 755-5025

Re: **PLN240149 - General Plan Early Assessment**  
5477 & 5479 Covey Court and Parcel F  
APN: 157-171-032-000, 157-171-033-000, and 157-171-064-000

My client, Risdell Inc. ("Owner"), owns 5477 Covey Court (APN 157-171-033-000) and 5479 Covey Court (APN 157-171-032-000). The property at 5479 Covey Court is developed with a single-family residence, a detached garage, and an on-site well that provides water to the parcels. The property at 5477 Covey Court features a single-family residence, a detached storage structure, a full-size tennis court and supporting infrastructure. The properties share an existing primary driveway for access.

The project, as illustrated on the previously provided supporting application documentation and as described herein, includes a request for a Combined Development Permit consisting of: 1) a Lot Line Adjustment between three lots of record: Parcel 1 (10 acres); Parcel 2 (2.5 acres), and Parcel 3 (181.42 acres), resulting in three parcels containing 9.32 acres (Adjusted Parcel 1), 2.72 acres (Adjusted Parcel 2), 181.88 acres (Adjusted Parcel 3); 2) a General Plan Amendment to change the Land Use designation of a portion of Adjusted Parcel 1 from Resource Conservation to Low Density Residential 5-1 acres per unit and amend Sectional District Map 21-16 to change the Zoning Classification of a portion of Adjusted Parcel 2 from Open Space, Design Control, Site Plan Review to Low Density Residential, Building Site 6, Design Control, Site Plan Review, and change the Zoning Classification of a portion of Adjusted Parcel 3 from Open Space, Design Control, Site Plan Review to Resource Conservation, Design Control, Site Plan Review; 3) an Administrative Permit and Design Approval to allow construction of a 2,929 square foot garage; 4) a Use Permit to allow development on slopes in excess of 25%; and, 5) a Use Permit to allow the removal of five protected trees including four oaks of 33", 18", 18" and 6" diameter and one Monterey pine of 48" diameter.

In 2022, 5477 Covey Court received approval for a combined development permit (PC

22-066) allowing the construction of the single-family residence, accessory storage structure, and relocation of the existing tennis court. The project is nearing completion and has received its occupancy certificate.

During construction of the new residence, it became evident that there was an opportunity to construct a garage on the western side of the motor court extending the structure underground westerly onto the Quail Meadows Homeowners Association (HOA) parcel using the existing retaining wall as the garage entry. Upon discovering this opportunity, the design team approached the HOA Board and learned that they were willing to do a land swap allowing Risdell, Inc. to acquire and develop, on that portion of the HOA parcel, in exchange for the HOA acquiring a portion of the Risdell parcel.

Currently, approximately 39,034 square feet of Parcel 3, owned by the Quail Meadows HOA, is developed with a paved motor court, retaining walls, a driveway, and pedestrian pathways, along with recent grading and landscaping improvements. This developed area is under a lease agreement between Risdell and Quail Meadows HOA. The remaining portions are fully encumbered by easements, which contradicts the intended purpose of the parcel's land use designation as open space.

To address this inconsistency with the General Plan goals and objectives, the Quail Meadows HOA and my client propose the land swap. The HOA would deed the 39,034 square-foot portion of Parcel 3 to my client, and in return, my client would transfer a 27,056 square-foot parcel located on the eastern portion of Parcel 2 to the HOA. The Quail Meadows HOA Board favors this exchange, as the 27,056-square-foot area includes an existing 10-foot-wide recreational trail. The land swap provides an opportunity to upgrade the recreational trail to serve as a fire access route, meeting a key requirement of the subdivision's Firewise classification. Additionally, my client will deed a 30-foot strip of land adjoining Parcel 1 to the HOA.

The decision to approve a general plan amendment is at the discretion of the Board of Supervisors upon a recommendation of the Planning Commission, as provided by State law. The Monterey County Zoning Code, Title 21, provides that an early assessment shall be conducted prior to the required public hearings of the Planning Commission and Board of Supervisors related to the General Plan Amendment request.

The Planning Commission's early assessment is to determine the suitability of the request and that the project has the potential to meet the required evaluation criteria outlined in Section 21.91.050 of the Monterey County Municipal Code.



Section 21.91.50 of the Monterey Code states that a proposed amendment must meet the following criteria:

1. The amendment must not conflict with the goals, objectives, and policies of the general plan that are not being amended; and
2. The applicant must demonstrate, based on substantial evidence, one or more of the following:
  - a. A demonstrable error or oversight exists in the adopted general plan;
  - b. A clear change in facts or circumstances has occurred; or
  - c. The amendment better aligns with and advances the overall goals and policies of the general plan.

It is the project team's belief that the proposed General Plan Amendment supports the efficient and thoughtful development of the property while preserving open space and natural areas, aligning with public policies and state and local land use requirements. The proposed amendment aligns with the existing goals, objectives, and policies of the general plan and enhances the implementation of its overarching goals and policies. Reclassifying the land use designation of Adjusted Parcel 1 from Resource Conservation to Low-Density Residential aligns with the existing use of the lot, as it is currently developed, and supports Goal LU-1, Policy LU-1.5, and Policy LU-2.34(a) of the General Plan.

Moreover, according to California Government Code Section 56358 (a), if a general plan amendment is deemed to be in the public interest, the legislative body may amend a part of the adopted general plan. The associated General Plan Amendment serves the public interest by preserving meaningful open space, free from private improvements and conflicting encumbrances.

There has been some misconception with county staff regarding the requirement that general plan amendments must provide a "public benefit." In fact, general plan amendments must serve the "public interest," as outlined in Section 65358(a) of the Government Code. The terms "public benefit" and "public interest" are not interchangeable. "Public benefit" typically refers to a specific, tangible program or service, whereas "public interest" is a broader, more abstract concept that encompasses general welfare and the overall public good. In part, Section 21.91.50 of the Monterey Code is intended to assist in assessing public interest.

We believe the proposed general plan amendment satisfies the aforementioned criteria and serves the public interest by preserving open space in its most desirable form—free from private improvements and encumbrances. Ensuring that open space remains appropriately

designated aligns with the general plan's goals, objectives, and policies, and more effectively upholds its intended purpose.

This preservation protects the integrity of natural resources, maintains the area's scenic and environmental values, and prevents the intrusion of private improvements or conflicting encumbrances that could compromise the open space's utility and purpose. Furthermore, these actions align with broader land use goals such as enhancing community character, promoting sustainable development, and safeguarding environmental assets for future generations. By reclassifying and rezoning parcels strategically, the proposal contributes to a balanced land use framework that prioritizes resource conservation while supporting compatible development in designated areas.

Ultimately, the proposed amendments and adjustments foster public trust by demonstrating a commitment to thoughtful land stewardship and compliance with state and local policies designed to benefit the community as a whole. To that end, the proposed project has already received unanimous approval from the Carmel Valley Land Use Advisory Committee.

We look forward to the Planning Commission's favorable early assessment followed by its formal review in August 2025.

Sincerely,



**Erik V. Lundquist**

Principal, Land Use Planning & Permitting

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