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ALEX J. LORCA

September 13, 2021

ALorca@fentonkeller.com
ext. 258

VIA U.S. MAIL AND EMAIL (McDougalM@co.monterey.ca.us)

Monterey County Housing & Community Development
c/o Melissa McDougal
1441 Schilling Place
Salinas, CA 93901

Re: PLN210231 / 1125 Spyglass Woods Drive, Pebble Beach
Our File: 36070.35769

Dear Melissa:

Please see the enclosed letter regarding 1125 Spyglass Woods Drive submitted to the Pebble Beach Architectural Review Board by our clients, Fred and Gale Krupica, on August 24, 2021. Mr. & Mrs. Krupica would like the County to have a copy of the letter as it pertains to the above referenced Planning file (PLN210231). I understand that a planner has not yet been assigned to said file, but we were informed by Jennifer when we called the HCD that we could forward this to your attention, and you would see that it was placed in the file. Thank you for your assistance with this matter.

Very truly yours,

FENTON & KELLER
A Professional Corporation



Alex J. Lorca

AJL:kmc
Enclosure
cc: Clients (via email)

{AJL-01168046;1}

Ms. Jean Mendez
August 24, 2021
Page 1 of 4

Subject: Proposed Plans for 1125 Spyglass Woods Drive

Dear Ms. Mendez,

We are writing to provide comments regarding the proposed plans submitted for development at 1125 Spyglass Woods Drive (the "Project"). We are constructing our new home next door at 1121 Spyglass Woods Drive.

We are happy to see the Project progressing so nicely, and wish the owners, Daryl and Rhonda Huff, all the best in building their new home. As we advised in our earlier email to you, we received notice regarding the comment period deadline late on Saturday August 21, 2021, since it was forwarded from our temporary San Diego address of record. We then received the proposed plans from you yesterday for our review. We would have much preferred to raise our concerns directly with the Huffs first, prior to submitting comments to you. Unfortunately, we will be unavailable this week dealing with a serious family matter and will not be able to reach out to the Huffs prior to the Wednesday comment deadline. We are copying them here to advise at the earliest possible time, and again, regret we were unable to do so earlier.

The Project is not in compliance with the *Del Monte Forest Architectural Standards and Residential Guidelines* (the "Guidelines") in the following three ways:

1. Garage and Driveway Location.

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, ..."

Attached for your reference is a diagram showing our approved site plan for 1121 Spyglass Woods Drive and the proposed site plan for 1125 Spyglass Woods Drive, superimposed together and to scale. Please note that 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 lot north-south direction in the front setback, immediately adjacent to our home.

We believe the proposed location of the garage unnecessarily lengthens the driveway and is therefore inconsistent with the "Garages and Parking" guidelines.

2. The Driveway Exceeds Setback Limits.

Page 13 of the Design and Construction Standards at "Foundations," states

"... driveways ... may be allowed to extend into any required setback up to two feet subject to ARB approval."

Page A2 of the Project's 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.

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. 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.

Moreover, the Guidelines, again at page 8, provide that, "[a] design exception shall not be granted unless the ARB finds that the exception is appropriate to the location and the neighborhood, the exception is consistent with the intent of the design standards, and the exception will not significantly affect the character of the neighborhood."

Excepting the Project's driveway from the Guidelines would not be appropriate to the location and neighborhood as it will place the garage right outside of our master bedroom, which would adversely affect our air quality and privacy, as well as create noise. Our home and the Project are located in a quiet, wooded, and serene area of the Del Monte Forest.

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 page 13, "Foundations.")

3. The Structure and 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."

Ms. Jean Mendez

August 24, 2021

Page 3 of 4

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

As described above, this garage location will create intrusive noise at our bedroom windows from car and garage door operation, as well as unhealthy exhaust fumes. We will be forced to keep our windows closed, therefore unable to enjoy the fresh forest air and ocean breezes we so valued when deciding to make Del Monte Forest our permanent, full-time home.

We believe that the proposed structure, including the garage and driveway location, is not "as unobtrusive as possible" to our home as the sole neighboring property, and is therefore inconsistent with the "Pools, Spas, Etc., Building Siting" guideline.

In conclusion, we, along with others developing lots in Del Monte Forest, have the expectation of privacy, quiet, and appropriate distance between properties. As both parcels approximate half an acre, we believe that the Project should not be approved in its proposed configuration so very close to our home. The 1125 Spyglass Woods Drive lot will easily accommodate an improved building siting for the home and garage to be as unobtrusive as possible, and to minimize the length of the driveway, as the Guidelines state. An improved configuration will provide noise control, privacy, and optimal living conditions for both parties.

Please note that our goals are to (1) resolve inconsistencies with the DMF Architectural Standards and Residential Guidelines, and (2) develop a congenial relationship with our new neighbor, setting good neighbor practices in place from the outset.

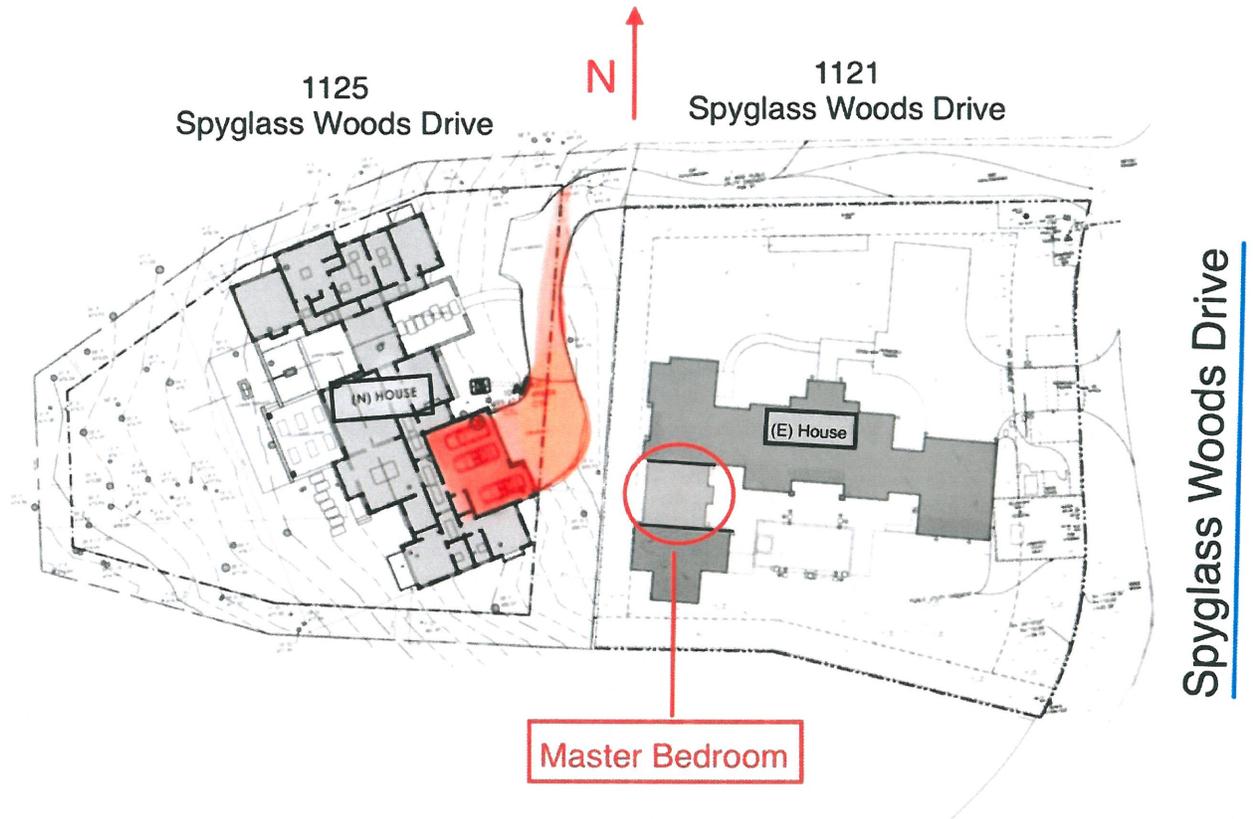
Thank you in advance for your consideration of our concerns, and we appreciate your dedication to achieving a positive outcome for both parties. We are happy to discuss with you at your convenience.

Sincerely,

Fred and Gale Krupica
1121 Spyglass Woods Drive

Cc: Daryl and Rhonda Huff
Jun A. Sillano, AIA, IDG, Inc.
Alex J. Lorca, Fenton & Keller, PC

Diagram: Spyglass Woods Drive



1" = 46'

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ALEX J. LORCA

October 13, 2021

ALorca@fentonkeller.com
ext. 258

VIA U.S. MAIL AND EMAIL (MENDEZJ@PEBBLEBEACH.COM)

Ms. Jean Mendez
Pebble Beach Company
4005 Sunridge Road
Pebble Beach, CA 93953

Re: 1125 Spyglass Woods Drive, Pebble Beach
Our File: 36070.35769

Dear Ms. Mendez:

This office represents Fred and Gale Krupica, who are immediate neighbors of the residential project proposed at 1125 Spyglass Woods Drive (Project).

It has come to our attention that the Architectural Review Board modified the Del Monte Forest Architectural Standards and Residential Guidelines (Guidelines) regarding foundations in order to approve the Project. We further understand this action was termed a "correction of an error" by the Board.

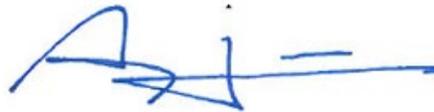
Mr. and Mrs. Krupica object to the Board's modification of the existing guideline regarding foundations in order to approve the Project. To the Krupica's knowledge, the Board presented no evidence suggesting the drafters of the Guidelines inadvertently included "driveways" in this guideline. Rather, the inclusion of "driveways" under foundations is identical in both the current, April 2020, and previous, January 2002, Guidelines. We note evidence that the current language was specifically reviewed and approved as written, as the April 2020 version was further restricted by the modifier "may be allowed ... subject to ARB approval."

Jean Mendez
October 13, 2021
Page 2

The Krupicas respectfully request that the Board reconsider its preliminary approval for the Project, as there should be no retroactive waiver of driveways in the foundations section that has stood the test of time for at least 18 years.

Very truly yours,

FENTON & KELLER
A Professional Corporation



Alex J. Lorca

cc: Clients (via email)

FENTON & KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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CHRISTOPHER M. LONG
SERGIO H. PARRA

OF COUNSEL
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ALEX J. LORCA

December 3, 2021

ALorca@fentonkeller.com
ext. 258

VIA EMAIL (FRIEDRICHM@CO.MONTEREY.CA.US)

Del Monte Forest Land Use Advisory Committee
County of Monterey
c/o Michele Friedrich
1441 Schilling Place
Salinas, CA 93901

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

Dear Del Monte Forest LUAC Members:

This office represents Fred and Gale Krupica, who reside next door to the above-referenced project (“Project”). The Krupicas object to the placement of the driveway as shown in the submitted plans for the Project as they are not in compliance with the Del Monte Forest Architectural Standards and Residential Guidelines (“Guidelines”), and as such are inconsistent with the character of the neighborhood surrounding the Project. Therefore, the Krupicas request that the Del Monte Forest LUAC recommend denial of the plans as submitted.

Pursuant to the Monterey County Land Use Advisory Committee (“LUAC”) Procedures,¹ the Monterey County Board of Supervisors tasked all LUACs, including the Del Monte Forest LUAC, with reflecting “the perspective of the local community with focus on neighborhood character, unique community site and conditions and potential local effects or contributions that would likely result from the implementation of a proposed project.” The Del Monte Forest LUAC is also directed to “[i]dentify concerns in response to staff-provided scope of review on neighborhood, community and site issues excluding regional impacts which are the purview of the Appropriate Authority.”

The Guidelines state, “The purpose of architectural review is to foster careful design and harmony between structures and the surrounding environment and to enhance the overall

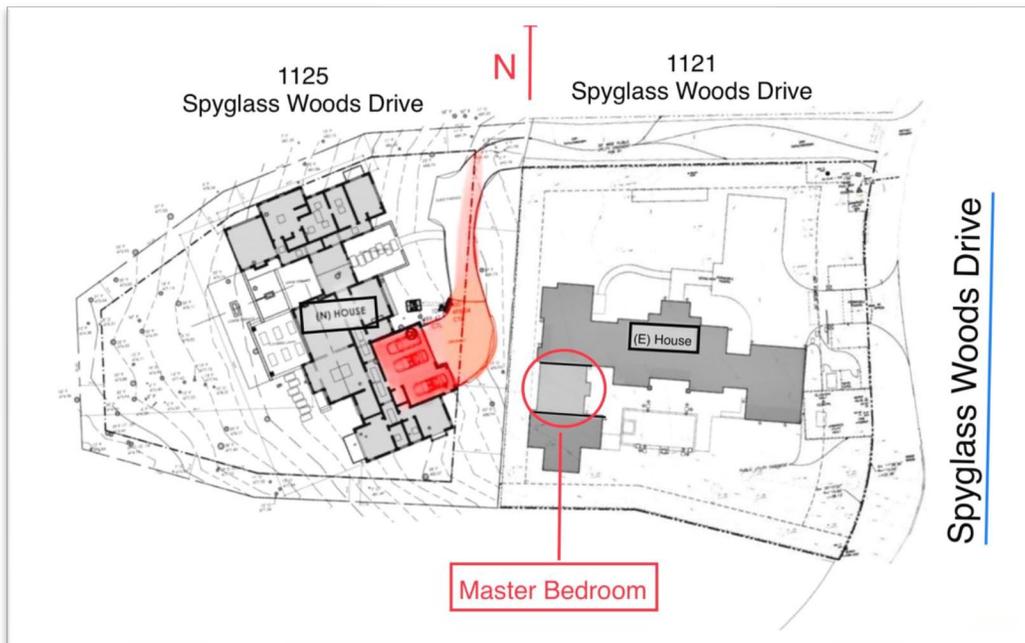
¹ Adopted November 18, 2008, and amended December 16, 2014.

desirability of living within the Del Monte Forest. The Del Monte Forest Architectural Review Board (ARB) will consider size, design, aesthetic quality, compatibility with neighboring properties, disturbance of existing terrain and vegetation, location with respect to various setback requirements and other site conditions, building materials, exterior color, and other relevant factors. A design proposal that is harmonious with the surroundings and does not seek to dominate the neighboring residences is preferred over proposals that are overly assertive in size and character.” (Guidelines at pg. 5.)

With respect to exceptions to its requirements, the Guidelines provide, “The ARB reserves the right to grant an Applicant an exception from any standards or conditions contained herein, or from any rule or regulation of the ARB. Such exceptions may be for the purpose of 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. The Applicant who applies for such an exception has the burden of proof and shall offer substantial evidence in support of his or her application. A design exception shall not be granted unless the ARB finds that the exception is appropriate to the location and the neighborhood, the exception is consistent with the intent of the design standards, and the exception will not significantly affect the character of the neighborhood.”

1. The Garage and Driveway Location Violates the Guidelines.

The following is a site map of the Project, and the Krupica’s residence at 1121 Spyglass Woods Drive.



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 from the site map 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.

2. The Driveway Exceeds Setback Limits.

The Design and Construction Standards at “Foundations,”² 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’s 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.

Incredibly, 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 stated the drafters of the Guidelines inadvertently included “driveways” in this guideline but presented no evidence demonstrating as much. 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, and 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 were 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.

² At page 13.

Again, the Guidelines, at page 8, provide that, “[a] design exception shall not be granted unless the ARB finds that the exception is appropriate to the location and the neighborhood, the exception is consistent with the intent of the design standards, and the exception will not significantly affect the character of the neighborhood.”

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.”)

3. 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.

In summary, because the Project does not meet the requirements of the Guidelines, it cannot be said to be consistent with the surrounding neighborhood. When building their home, the Krupicas were required to follow all of the Guidelines and did so willingly. All they are requesting is that the Project follow the Guidelines as well.

Very truly yours,

FENTON & KELLER
A Professional Corporation



Alex J. Lorca

AJL:kmc

cc: Martha Diehl
Kate Daniels
Son Pham-Gallardo

Daryl & Rhonda Huff
1484 Pollard Road #151
Los Gatos, CA 95032

February 24, 2022

Son Pham-Gallardo
Associate Planner
Planning Services
County of Monterey
1441 Schilling Place
Salinas, CA 93901

RE: Re: 1125 Spyglass Woods Drive, Pebble Beach, CA (PLN210231)

Dear Son:

We are writing to request your support for granting design approval of our project as soon as possible. Our architect, Adam Jeselnick, submitted our plans to Monterey County on August 1st, 2021 and at the upcoming Zoning Administration hearing, it will be fully 8 months that we have been waiting for design approval.

The Krupica's (owners @1121 Spyglass Woods Drive, currently under construction) repeated objections to our plans, despite lacking any basis within Pebble Beach design guidelines or Monterey County governing codes, is the sole cause for the continued delay of our project. Each month of delay causes our costs to dramatically increase as inflation escalates ever higher.

To refresh on the details of how we arrived where we are today, we began our home planning process well over a year ago. From the beginning, we requested our architect to design a timeless transitional style home that would fall well within all Pebble Beach and Monterey County guidelines and code requirements, and sit lightly on the land. It remains critically important the house is a single story, allowing graceful "aging-in-place" both for us in the future and currently for our parents (ages 87 and 91).

Of significant design importance to us is that the house be featured on approach and not the garage. We were happy to see that our desire is in perfect alignment with the Del Monte Forest (DMF) Architectural Standards and

Residential Guidelines where the document states that the garage “should not be the focus of the street elevation”.

During our design process, we carefully considered the location and placement of each room with usage, privacy, views, convenience for us and parents/ guests, and sun exposures at particular times of the day (and year) all kept in mind. For example, the Primary bedroom is intentionally placed where it has the most privacy along with forest and southern exposure views. Its location ensures it is not on a side of the house that receives morning sun exposure (particularly pronounced in the fall and winter months).

Our design was reviewed and approved last year by the Pebble Beach Company Architecture Review Board on October 7, 2021. It has also been reviewed by the Del Monte Forest Land Use Advisory Committee (LUAC) and gained their support. At that Dec 16, 2021 LUAC meeting where we received support for our project, the LUAC asked the following:

“Architect to consider shifting the building to address the neighbor’s concern.”

Note this support did not require shifting, rather simply consideration. At substantial additional cost and a last ditch attempt to still further accommodate the Krupica’s we considered and worked further with our architect. The result was both shifting and further rotating the house away from the front of the property and moving the driveway also further from the front property line. With this change, our house is now situated to be no closer than 21'9" from the shared property line. The house is then angled away from the property line meaning that the majority of the house is nowhere near the front setback line.

When our neighbors along with their architect designed their house, they placed their building right on, and parallel to, the 10' side setback line. Their primary bedroom wall, a focus of their concern, is 2 feet further back. With our new location, our garage door is a full 38' away from their primary bedroom wall. The vast majority of both homes will be much farther apart. Please note also due to the slope of our lot relative to the Krupica’s lot and the height of their building, the finished floor of the Krupica's house is 11 feet higher than our house. This means, essentially, that a standing person in their bedroom will be looking out to the very top of our roof.

To quote from the letter read in to the record at the LUAC meeting on December 16, 2021 from Bart Bruno (member of both PBC ARB and Del Monte Forest LUAC):

"In Section 3 he [Alex Lorca] expresses his concern for the closeness of the new home to his client's [Krupica's] home. As can be seen, both the new home and his client's home are at the setback limit. Is there a reason that one home be "unobtrusive as possible" while the abutting home does not? Should his client thought [sic] about the fact that a home would be built on the vacant lot next door and located their bedroom so as to not be affect by visual or sound issues?"

The ARB goal is to allow uses for each applicant equally and in a manner that fits the needs of each property owner while taking into consideration the reasonable concerns of their neighbors. That was done in this case."

Note the above letter was written **before** we undertook the additional changes shifting and rotating our house still further from the front setback line and the Krupica's house currently under construction. Those new changes are contained in our most recent submission to you on January 11, 2022.

On the topic of the driveway, as we have previously pointed out in letters to the PBC ARB and the LUAC (letters dated Sep 20, 2021, Oct 1, 2021 to the PBC ARB and Dec 12, 2021 to the LUAC), there are countless homes within Pebble Beach that have driveways significantly longer than our proposed driveway for lots both larger and smaller than ours.

As previously stated, it was one of our minimum design requirements that our garage not be the dominate feature of the house (a design choice ironically echoed in the Krupica's own plan).

Given the slope of our land, attempting to place our garage on the back side of the house would have resulted in 1) a much longer driveway, 2) required significantly more grading and cost, and 3) would only be practical with a garage built on a level below the house. This would turn our house into a multi-story house which is an un-acceptable design option for a single-story house in which to age-in-place. The garage in our plan is placed midway through the front of the house between the living area and the guest wing on the far side of the house.

We have an absolute right to develop our land pursuant to all of the County and local Pebble Beach governing rules and regulations. We have fully complied with all of these rules, regulations and guidelines. We have thus far been denied our right due to the objections of a single neighbor who chose to develop their plan without consideration for their neighboring property under development.

The Krupica's repeated objections and appeals (without basis) which have been heard and rejected at both the PBC ARB and LUAC, simply exploit the system to cause delay after delay along with causing our costs to increase ever higher.

Our extra thought, cost, and work was completed to please our neighbor who indicated most recently in an email dated February 17, 2022, that they will not be satisfied with any of our efforts unless they are allowed to redesign our home entirely. This is of course objectively unacceptable.

Our design has always and continues to fall within all DMF/Pebble Beach Company and Monterey County guidelines as well as respecting the land, the neighbors and fits cohesively into the character of the neighborhood.

At this time we request your support and recommendation for the Zoning Administrator to dismiss further appeals to this design and grant design approval without any further delay.

Best regards,

Handwritten signatures of Daryl and Rhonda Huff. The signature on the left is 'Daryl Huff' and the signature on the right is 'Rhonda Huff'. A long horizontal line extends from the end of the second signature across the page.

Daryl and Rhonda Huff

DRH/sb

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OF COUNSEL

CHARLES R. KELLER
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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).¹

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:

¹ The Guidelines may be found at: https://dmfpo.org/wp-content/uploads/2020/03/ARB_ResidentialGuidelines-4-1-20.pdf

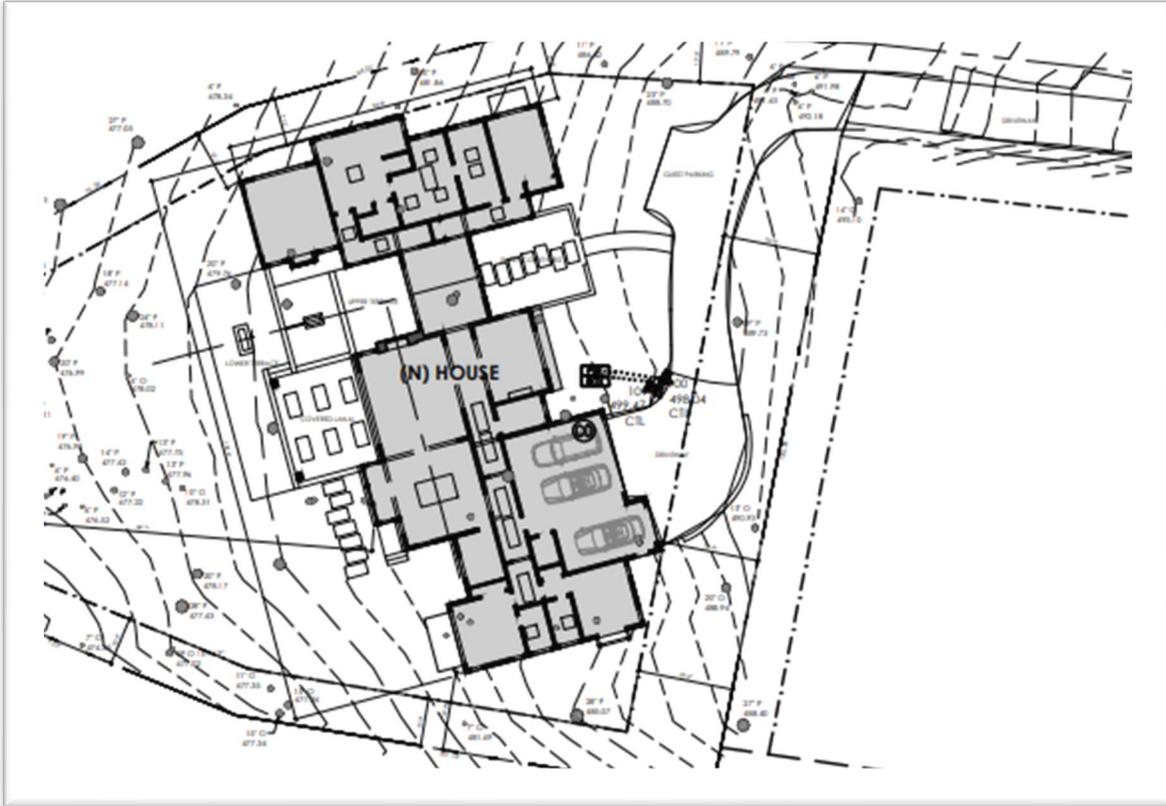


Figure 1.

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):

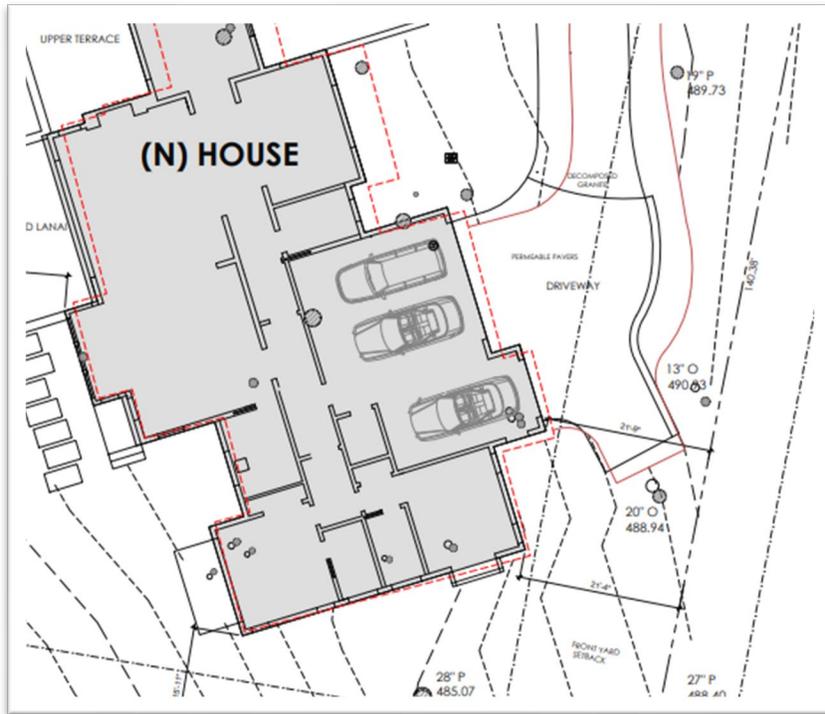


Figure 2.

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.

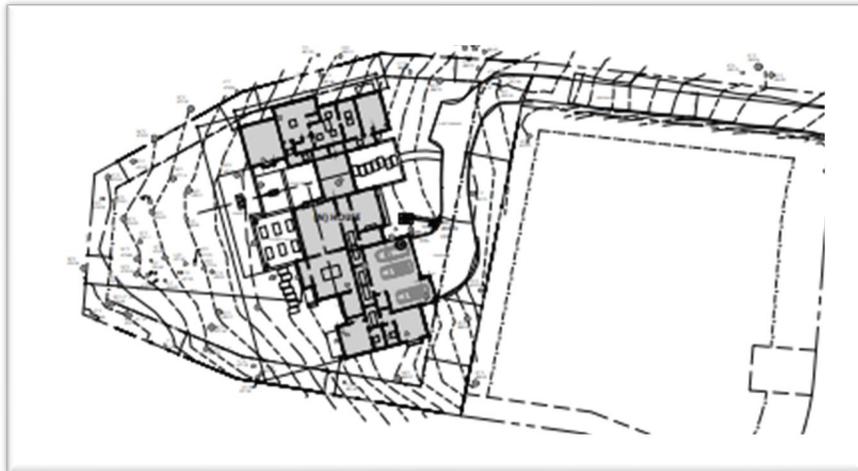


Figure 3.

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,"² 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.)

² Guidelines at page 13.

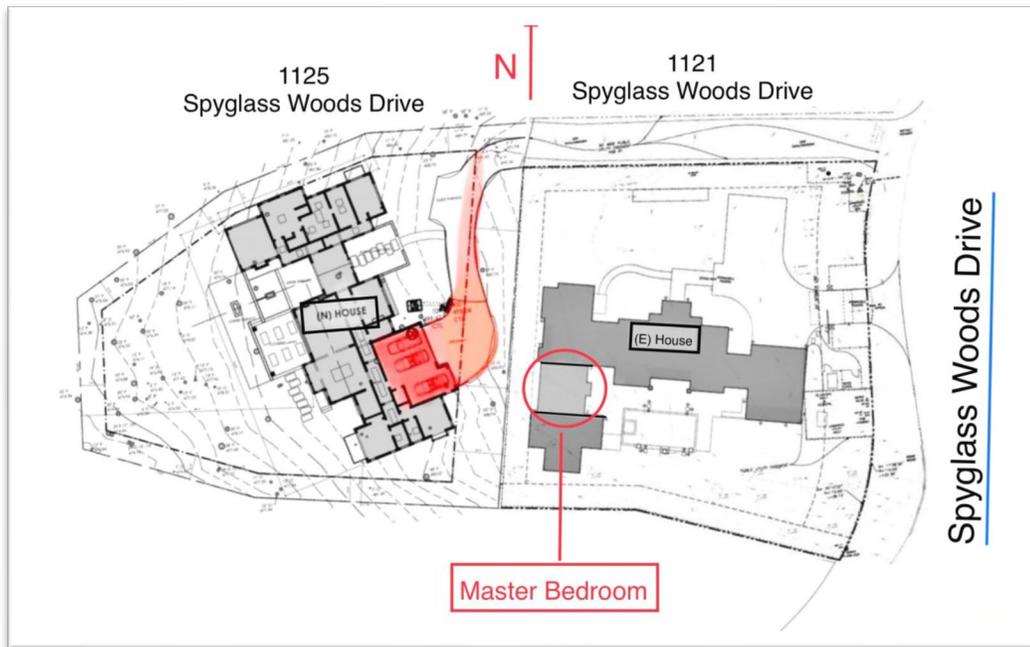


Figure 4.

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.

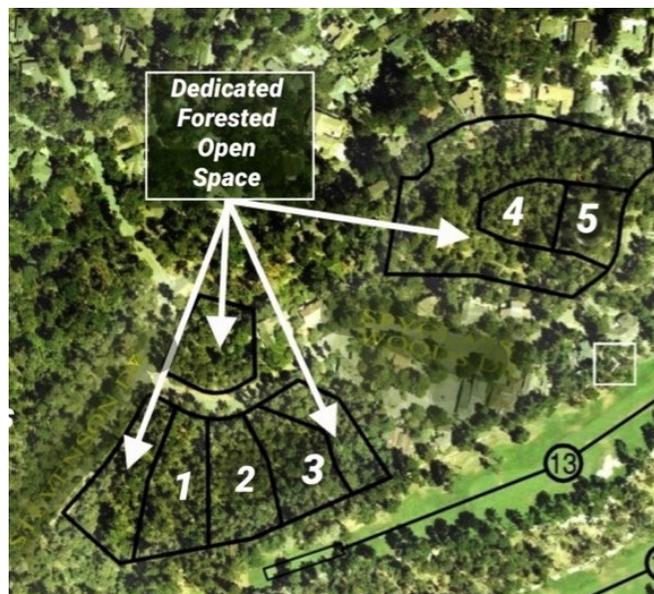


Figure 5.

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.

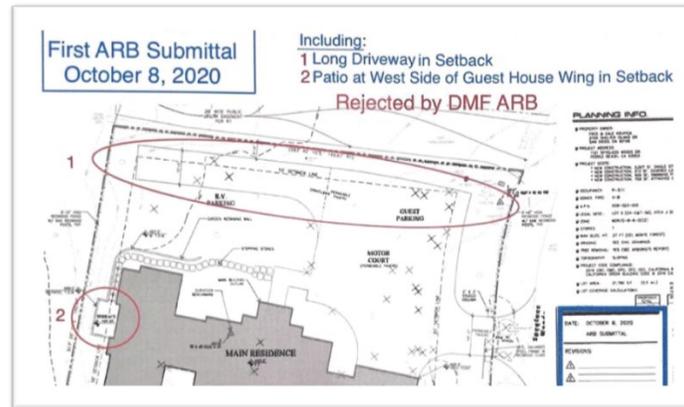


Figure 6.

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

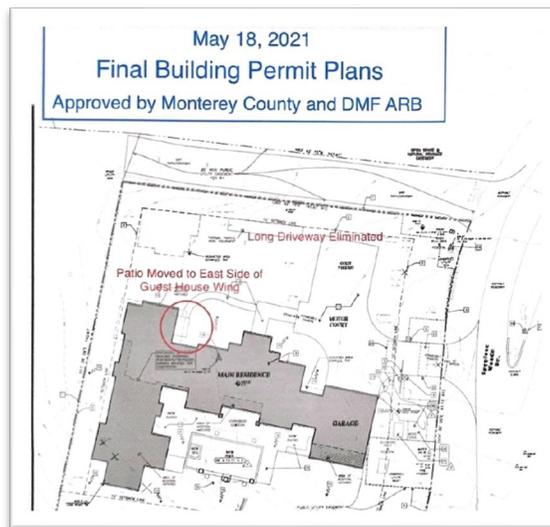


Figure 7.

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.³ 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

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

Dear Zoning Administrator,

My name is Mark Cristofalo and I am the General Contractor of record for the property under development next door to the proposed project at 1125 Spyglass Woods Drive, Del Monte Forest, CA 93953 (The Project).

My family and I have been in the custom home building business for over 40 years and have constructed some 3 to 6 high-end custom homes per year over that time, so I am uniquely aware of how neighbors respectfully work to site their homes to optimize living space and privacy, and to comply with the Del Monte Forest Architectural Standards for Residential Construction.

I am aware of the proposed plans for The Project and I have to say that in my professional opinion I am opposed to the plans as presented. I had a viscerally negative reaction to the siting and close proximity of the Project so close to my client's home when I first saw the story-poles and then proposed plans. Upon further review, I note that the driveway violates setback and length rules and the home siting is very intrusive to my client's home along the western boundary. In my many years working in the Forest, my clients have complied with the Residential Construction Guidelines and therefore no exception should be allowed for The Project. It is unacceptable to simply cast aside such rules as a "correction of an error" that have been in place for over 20 years.

Further, I understand that the LUAC recommended changes for the Project at their meeting on December 16, 2021, ranging from flipping the home 180 degrees, to moving the home back several feet among others. The Project's response to the LUAC direction, by moving the garage back by 1 2/3 feet is simply disrespectful and woefully inadequate. In my opinion, a good neighbor practice would step up to make any one of the changes suggested by the LUAC for the mutual benefit of the adjacent properties.

With my industry expertise, I know for a fact that a half acre lot, with open forest area on 3 sides of the property can easily accommodate alternative configurations to adjust the siting and garage location. Such action would eliminate both the violations of the Residential Construction Guidelines and achieve the Project owner's desired layout while eliminating the concerns of my clients.

I am writing to the Zoning Administrator to reject this project as proposed until such violations are remedied to address the concerns of the owners next door and the community as a whole.

Respectfully,



Mark Cristofalo
Mark Cristofalo & Company