

Attachment F2

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ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

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July 1, 2021

Our File No: 4842.004

Fionna Jensen
Resource Management Agency
1441 Schilling Place
2nd Floor
Salinas, CA 93901

Re: 26327 Scenic Road – Skeen (PLN190030-AMD1)

Dear Ms. Jensen:

Our office has received and reviewed the comments from Mr. Ingemanson, received by you on July 1, 2021 with respect to the aforementioned minor & trivial amendment. The following responds to those concerns and assertions, consistent with responses previously provided for the same assertions.

A. Lengthy project pauses: **Construction of the project is paused due to the processing time for this amendment to be approved, which has faced ongoing opposition inclusive of the current appeal to the Board of Supervisors to be heard on July 13th.**

B. The owners have requested more changes to a spec house that will be flipped when completed: **There is no merit or supportable evidence for these assertions.**

C. Question on why variances are not required, with reference to letter from Mr. Ray Parks:

The proposed minor changes to the project fully comply with the applicable zoning development standards, and therefore do not require any variances:

1) The plans may not be a complete set as there is no sheet index to verify what's missing.

Answer: The plan set submitted for the revision is posted on the county website records, and is attached to the staff report and resolution as the complete set being approved.

2) There is no proposed grading plan.

Answer: As required by resolution for PLN060735, a Grading & Erosion Control Plan (Condition No. 7) was Met prior to issuance of construction permits.

- 3) There is no erosion control plan.

Answer: Same as No. 2 above

- 4) There is no drainage plan.

Answer: As required by resolution for PLN060735, the Drainage Plan (Condition No. 17) was Met prior to issuance of the existing construction permits. This standard condition is applicable to the revision as well, and would be required prior to issuance of the building revision permit. An updated drainage plan has been already been prepared, which will be submitted to Environmental Services for the building construction set consistent with the conditions. A copy of the updated drainage plan was provided to the planner on June 22nd for the planning file.

- 5) Sheet A1.0 shows the new patio deck [structure] encroaching into front yard setback.

Answer: The patio noted to be “at least 7’ above grade” and as encroaching into the front setback is at the main level above the below grade driveway/garage entrance. The patio corner slightly encroaches into the front setback. However as noted in Title 20, this is allowed and is not a variance:

20.62 – HEIGHT AND SETBACK EXCEPTIONS 20.62.040 SETBACKS.

D. Uncovered decks, porches, or stairways, fire escapes or landing places may extend into any required front or rear setback not exceeding 6 feet, and into any required side setback not exceeding 3 feet.

- 6) Two new fire pits [structure] proposed in front & rear setbacks...close to neighbors property.

Answer: The firepits were approved in previous planning actions, and firepits are not defined by code as structures.

- 7) Fire pits in these locations should have spark arrestors to protect from future fire damage.

Answer: The firepits are gas, not wood burning.

- 8) Spa [structure] is located in rear yard setback.

Answer: A spa is not a structure.

- 9) The building is located on required setbacks on three sides; a licensed surveyor should verify structure is located properly to verify compliance.

Answer: Building locations are verified prior to foundation pour. The changes in this Minor & Trivial Amendment do not change the house’s proximity to setback lines.

- 10) Change in roof pitch effects the appearance of the architecture and should go back to LUAC for a design change. This was done to increase the height of building; the result appears more commercial vs. residential as required.

Answer: The project application was reviewed by LUAC. The change does not increase the height of the structure. The minor changes to the roof in this amendment do not alter the overall appearance as suggested.

- 11) The height should also be verified by a licensed surveyor to verify compliance.

Answer: As required in the resolution for PLN060735, Height verification is required by a licensed engineer in Condition No. 13. Condition No. 13 from the original approval is still applicable prior to final inspection.

We appreciate the opportunity to clarify the project for staff and concerned members of the public. If you have any additional questions, please feel free to contact me directly to discuss.

Sincerely,



Gail Hatter
Sr. Land Use Specialist

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July 2, 2021

Our File No: 4842.004

Fionna Jensen
Resource Management Agency
1441 Schilling Place
2nd Floor
Salinas, CA 93901

Re: 26327 Scenic Road – Skeen (PLN190030-AMD1)

Dear Ms. Jensen:

Our office has received and reviewed the comments from Mr. Comolli, received by you on June 30, 2021 with respect to the aforementioned minor & trivial amendment. The following responds to those concerns and assertions, consistent with responses previously provided for the same assertions.

- A. We have previously responded to all the points raised by Mr Sabih and his attorney in the appeal in our letter dated June 4, 2021, which includes responses to Mr. Comolli's highlighted points as follows:
- 1) As required by resolution for PLN060735, a Grading & Erosion Control Plan (Condition No. 7) was Met prior to issuance of construction permits.
 - 2) As required by resolution for PLN060735, the Drainage Plan (Condition No. 17) was Met prior to issuance of the existing construction permits. This standard condition is applicable to the revision as well, and would be required prior to issuance of the building revision permit. An updated drainage plan has been already been prepared, which will be submitted to Environmental Services for the building construction set consistent with the conditions. A copy of the updated drainage plan was provided to the planner on June 22nd for the planning file.
 - 3) As outlined in our letter and in the public record, the project has not had numerous amendments as alleged. The original amendment to this project was affected specifically to meet the terms of a settlement agreement with Mr. Sabih, and the project has been extended once. The only other minor amendment addressed in a Design Approval occurred in 2019, without any objections.

- B. Privacy: While privacy is not regulated by the County, the applicant has demonstrated through drone photos from the location and height of the upper balcony that there is no loss of privacy to the neighboring properties from this project revision. It is noted also that out of respect for the neighbors' concerns expressed at the LUAC meeting, the owners voluntarily opted to reduce the expansion of the upper balcony to a modest 3' 4" expansion of the balcony, that aligns the balcony with the building's lines and eaves below.

We appreciate the opportunity to clarify the project for staff and concerned members of the public. If you have any additional questions, please feel free to contact me directly to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail Hatter", with a long horizontal line extending to the right.

Gail Hatter
Sr. Land Use Specialist

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July 6, 2021

Our File No: 4842.004

Fionna Jensen
Resource Management Agency
1441 Schilling Place
2nd Floor
Salinas, CA 93901

Re: 26327 Scenic Road – Skeen (PLN190030-AMD1)

Dear Ms. Jensen:

Our office has received and reviewed the comments from Ms. Thush, received by you on July 3, 2021 with respect to the aforementioned minor & trivial amendment. The following responds to those concerns and assertions, consistent with responses previously provided for the same assertions.

As noted in several past responses to comments, a drainage plan was and still is a condition of the project. A drainage plan was submitted prior to the issuance of the current building permit, and is required to be updated prior to issuance of the current building revision permit. Specific to Ms. Thush's concerns regarding the site retaining walls, the drainage plans on file with the building department for the issued building permit provide very clear details of proper drainage at and behind all newly constructed walls on the site.

We appreciate the opportunity to clarify the project for staff and concerned members of the public. If you have any additional questions, please feel free to contact me directly to discuss.

Sincerely,



Gail Hatter
Sr. Land Use Specialist