

# Exhibit H

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## Nickerson, Jacquelyn x5240

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**From:** Susan Benjamin <lilyvalley3@sbcglobal.net>  
**Sent:** Saturday, September 21, 2019 7:17 AM  
**To:** Nickerson, Jacquelyn x5240  
**Subject:** PLN190097, PLN190098. Miranda properties

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

Dear Ms Nickerson:

There does not seem to be any accommodation by Mr. Miranda in the building plans in keeping with the neighborhood architecture. We are not depriving him of building. We are only asking that the buildings be in conformity with the feel and design of the neighborhood. There is also no regard for the beauty of the landscape which all of us dearly love.

I am most troubled that if Mr. Miranda's plans are accepted that the pine by the road absolutely and positively needs to be removed. With the tonnage of trucks being driven on the driveway with soil delivery etc. and the carving out of another driveway on the north side, the roots of this pine tree which, one person can't even hug, and it's height, 80' or more, are being damaged leaving the balance of the tree badly affected. With the wind coming from the west, it leaves my house and the Janssen house very vulnerable to destruction. The wind always comes from the west and all of the roots on that side of the tree are damaged or destroyed. The tree is totally imbalanced. Please this aspect when giving your final report.

Thank you for all your support in helping us.

Sincerely,

Susan Benjamin

Sent from my iPad



## Nickerson, Jacquelyn x5240

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**From:** Elliott Byrd <eb9000@hotmail.com>  
**Sent:** Sunday, September 22, 2019 10:47 AM  
**To:** Nickerson, Jacquelyn x5240  
**Subject:** 24424 SAN JUAN RD --- PLN190098  
**Attachments:** 01 arch sheet a.03.jpg; 03 landscaping plan overlay.jpg; 04 north stairs plan.jpg; 05 north stairs elev.jpg; 06 south stairs plan.jpg; 07 south stairs elev.jpg; 08 topo overlay.jpg; 09 retaining wall.jpg; 02 a.03 enlarged.jpg; 10 property line.jpg

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

Hi Jackie,

I am having a hard time understanding the architects plans. I don't know if they are inaccurate or if they are designed to confuse. I scanned in some jpegs of the areas I am concerned about – see attached.

I think the Landscaping plan is using an outdated floor plan. – see “03 landscaping plan overlay.jpg”

I think the stairs on the north side of the house don't make sense. There is a stairs note with an elevation, but no stairs to be seen. – see “04 north stairs plan.jpg”

I think the stairs on the north side elevation do not match the site plan or the landscaping plan. -- See “05 north stairs elev.jpg”

I think the stairs on the south side elevation do not match the plan. The elevation shows a landing and the plans do not. – See “07 south stairs elev.jpg and 06 south stairs plan.jpg”

Also, I am a little concerned with the revised retaining wall layout. Is the architect going to enclose the entire property with a retaining wall? Will the property function like a fish bowl? Will that affect the water flow to the surrounding properties in a heavy rainstorm. There is no section cut of how this new retaining wall interfaces with the property lines. I can't tell how high the retaining wall is at the west of the property, where it interfaces with the canyon. I don't understand the south elevation 2/A.07. There is a dimension on it that dimensions to nothingness... --See “01 arch sheet a.03.jpg and 09 retaining wall.jpg”

On the other project, PLN190097, I think there retaining wall will still go over the property line. But again, there is no section cut in the transverse direction. There is only a section cut in the longitudinal direction. --See “10 property line.jpg”

It is really hard for me to trust these drawings. It will be difficult to explain all of this in under three minutes at the planning meeting.

Thanks,

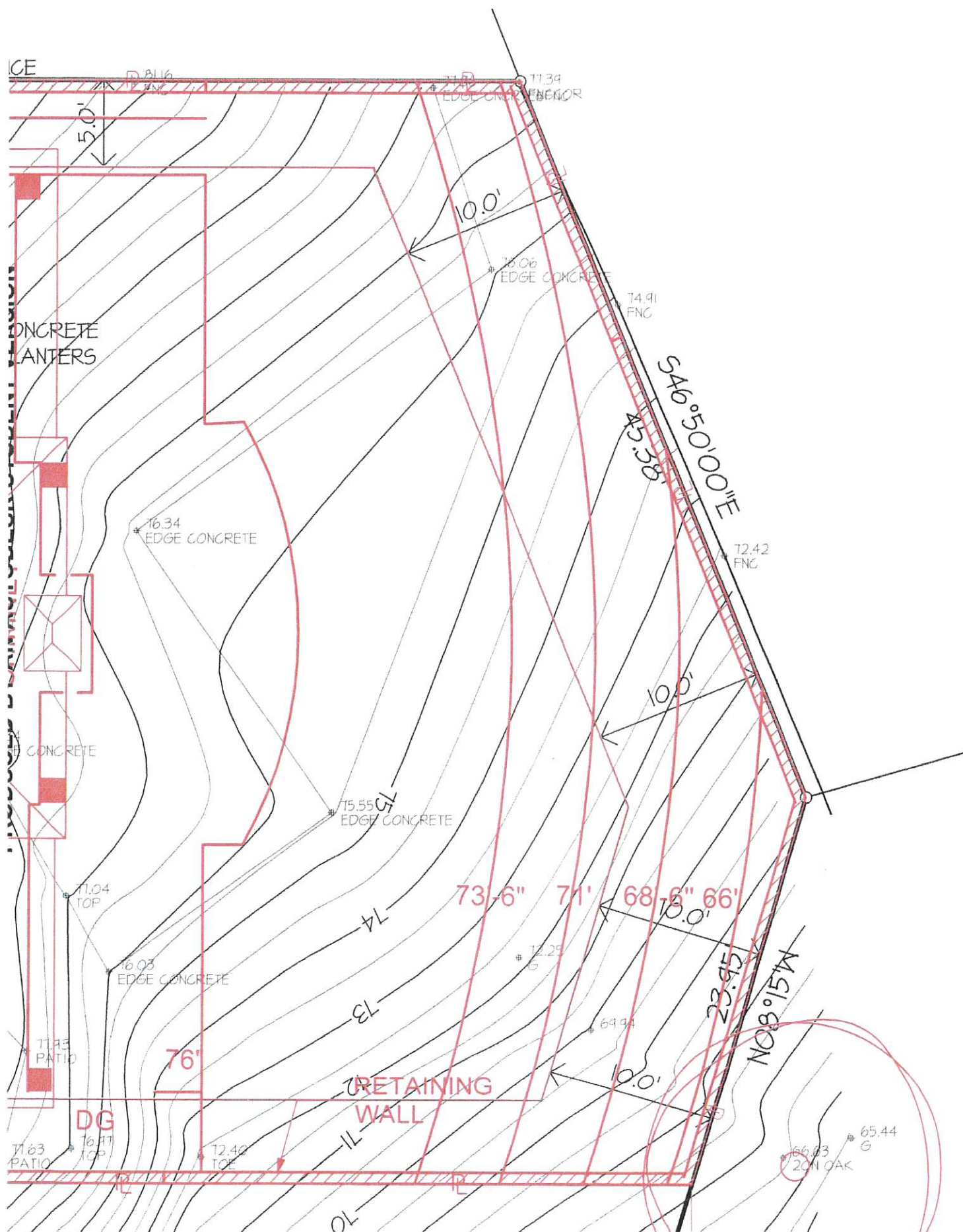
Elliott





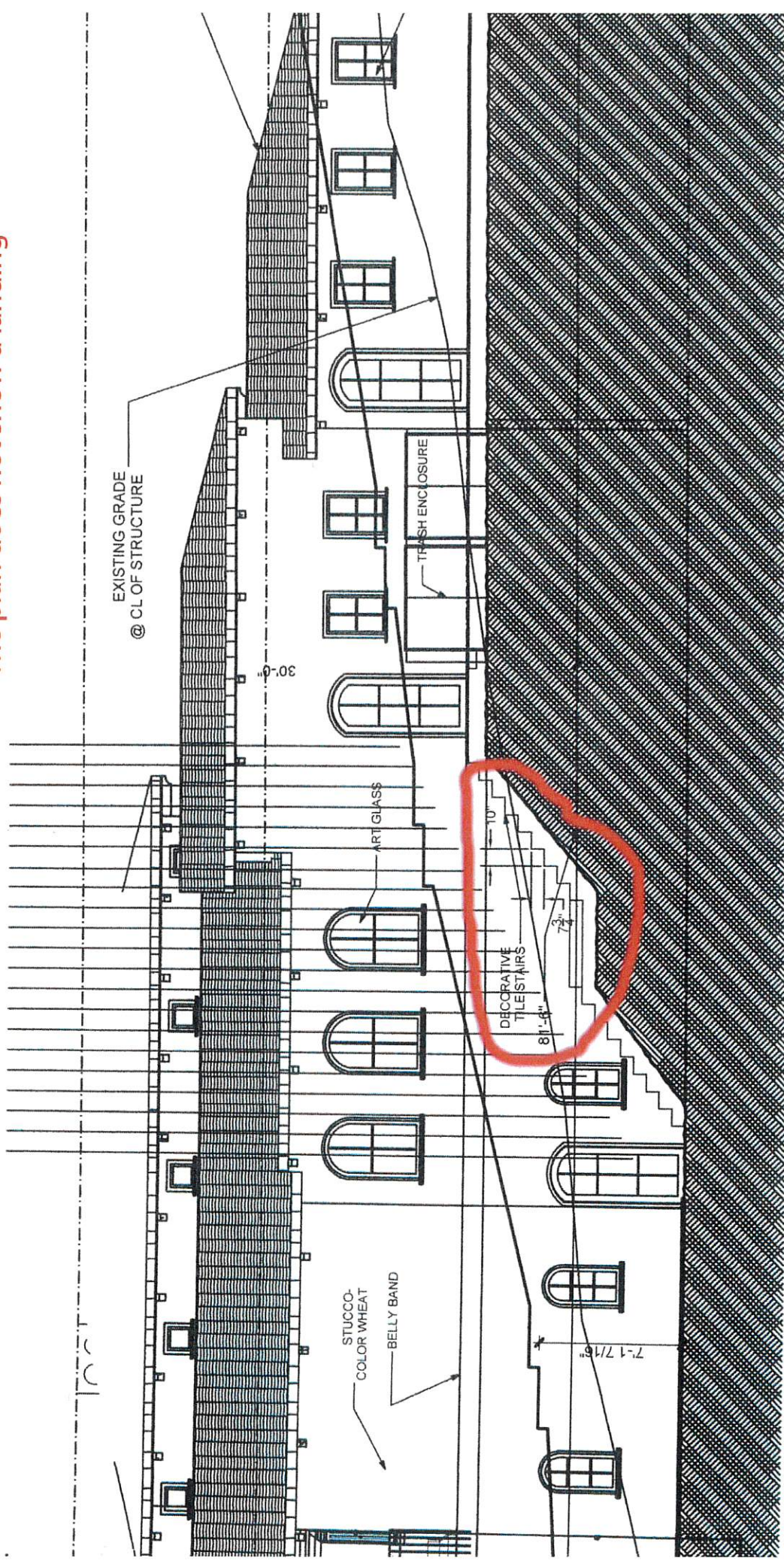




PO  
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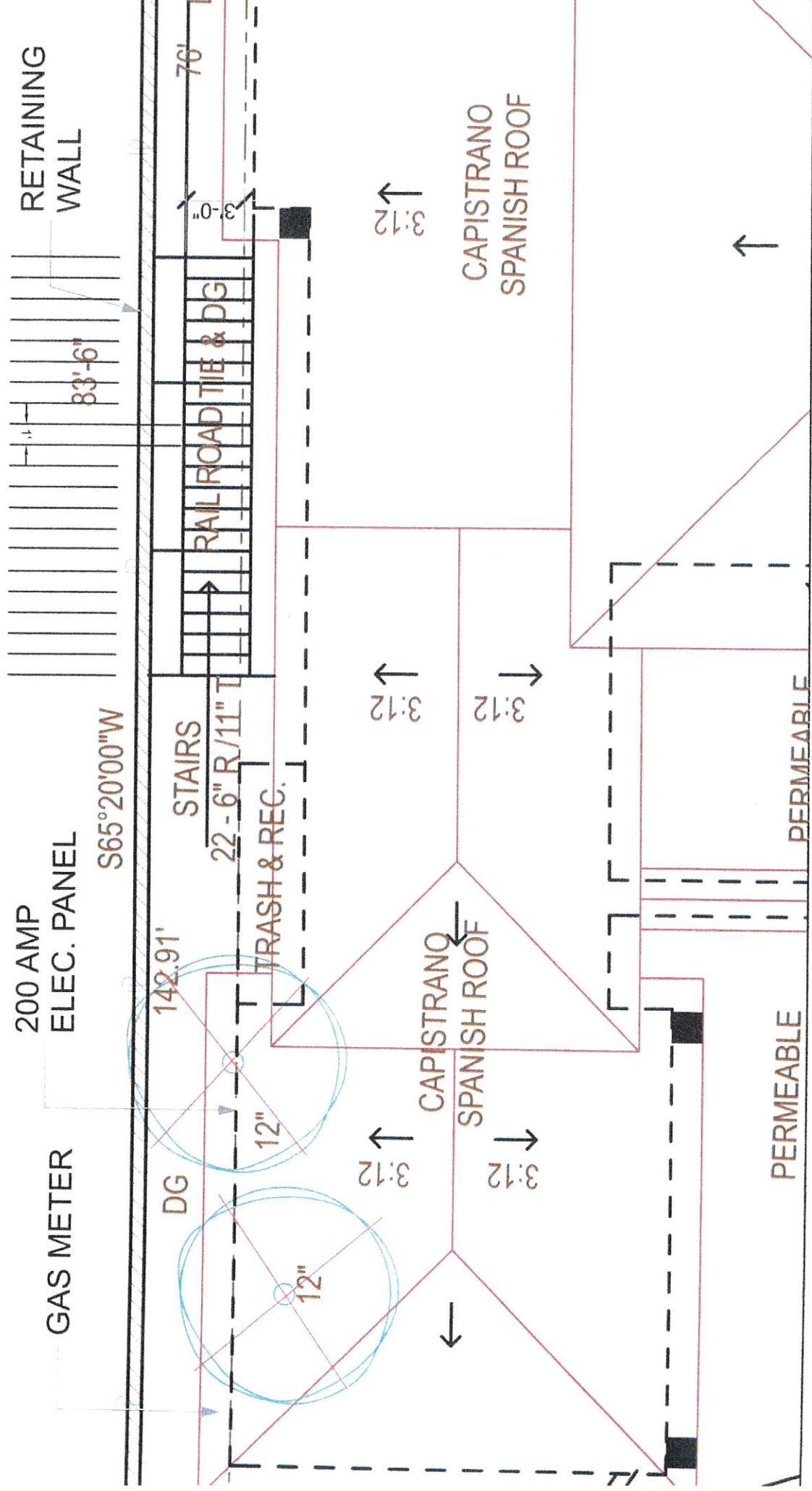


Stairs are drawn at 10" wide and 7.75" tall in elevation  
Stairs are drawn at 1'-0" wide on the plan  
This elevation shows an intermediate landing  
The plan does not show a landing

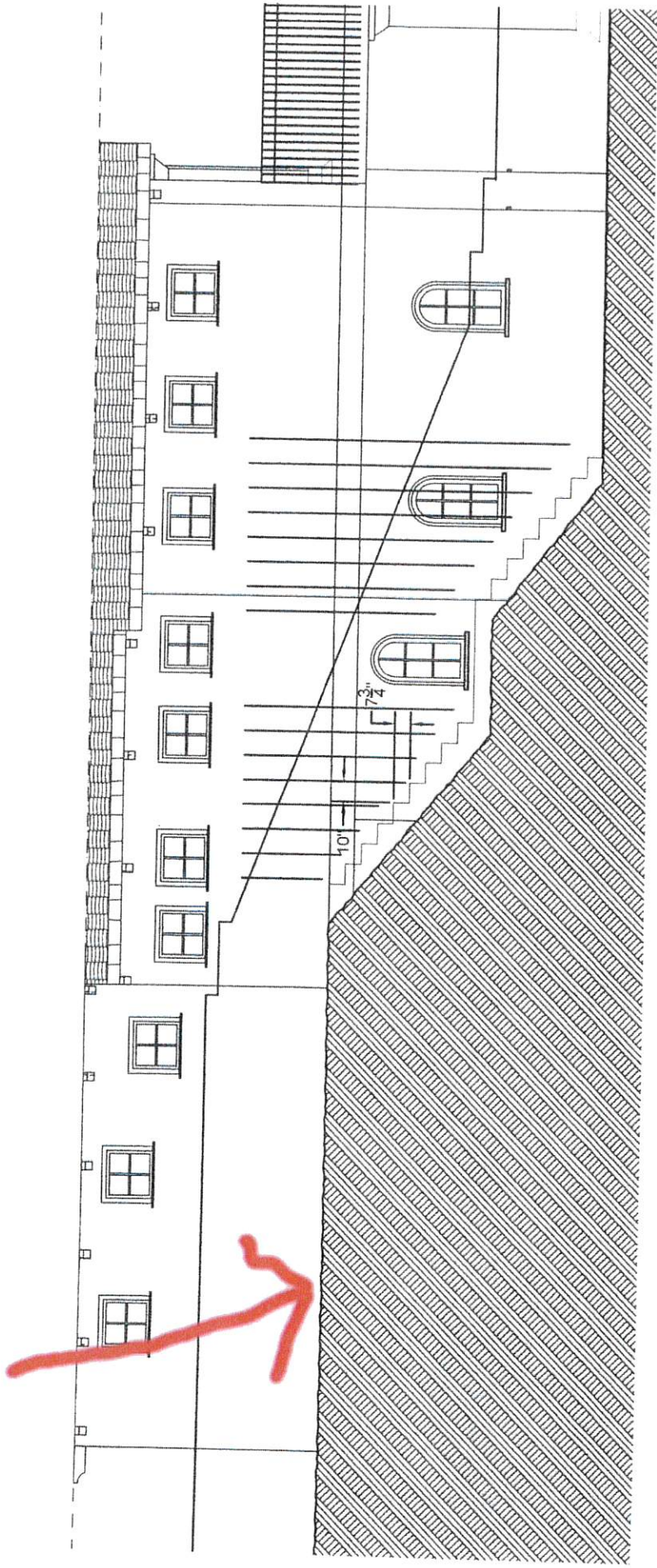




Stairs are drawn at 1'-0" in plan



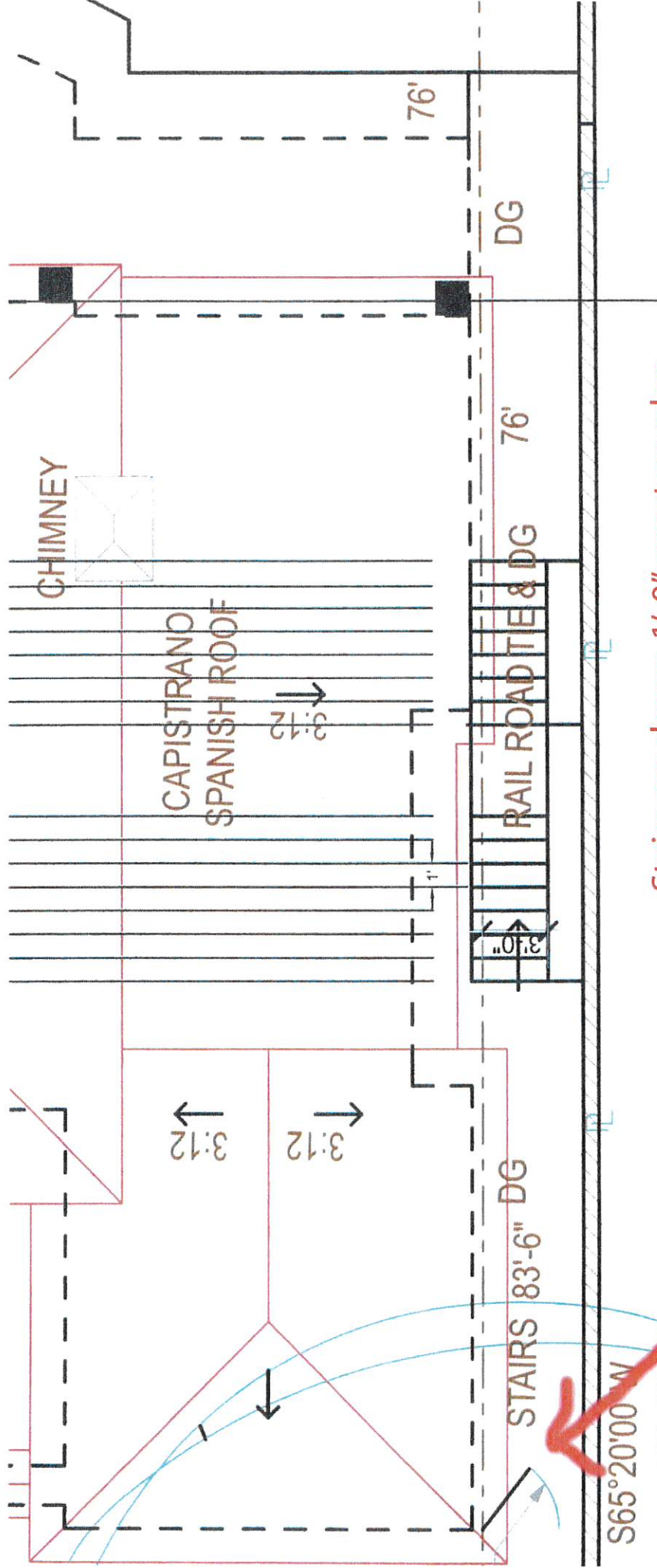
are there stairs here?



Stairs are drawn at 10" wide and 7.75" tall in elevation.

Stairs are drawn at 1'-0" wide on the plan.

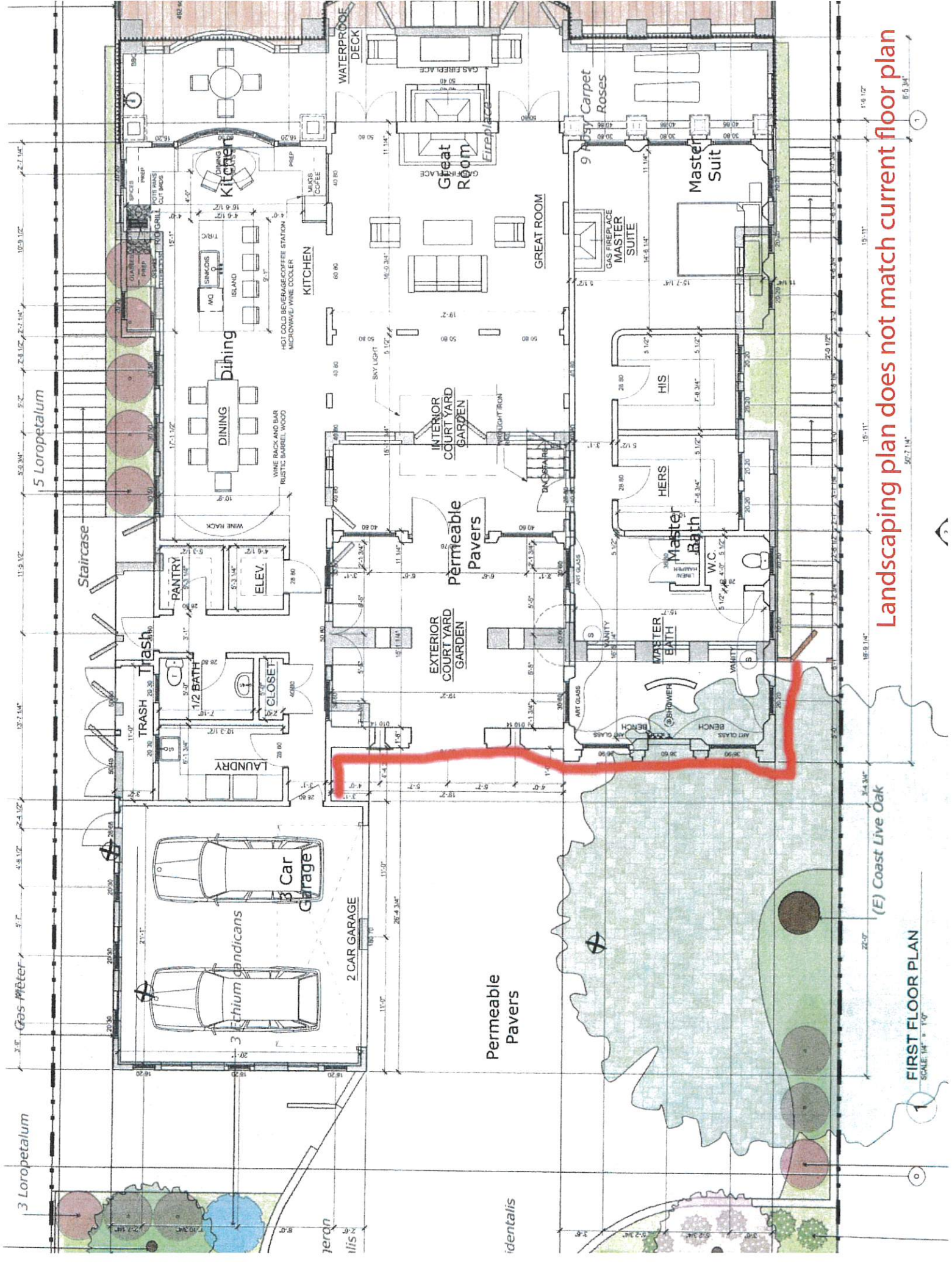




Stairs are drawn 1'-0" apart on plan

Are there stairs here?

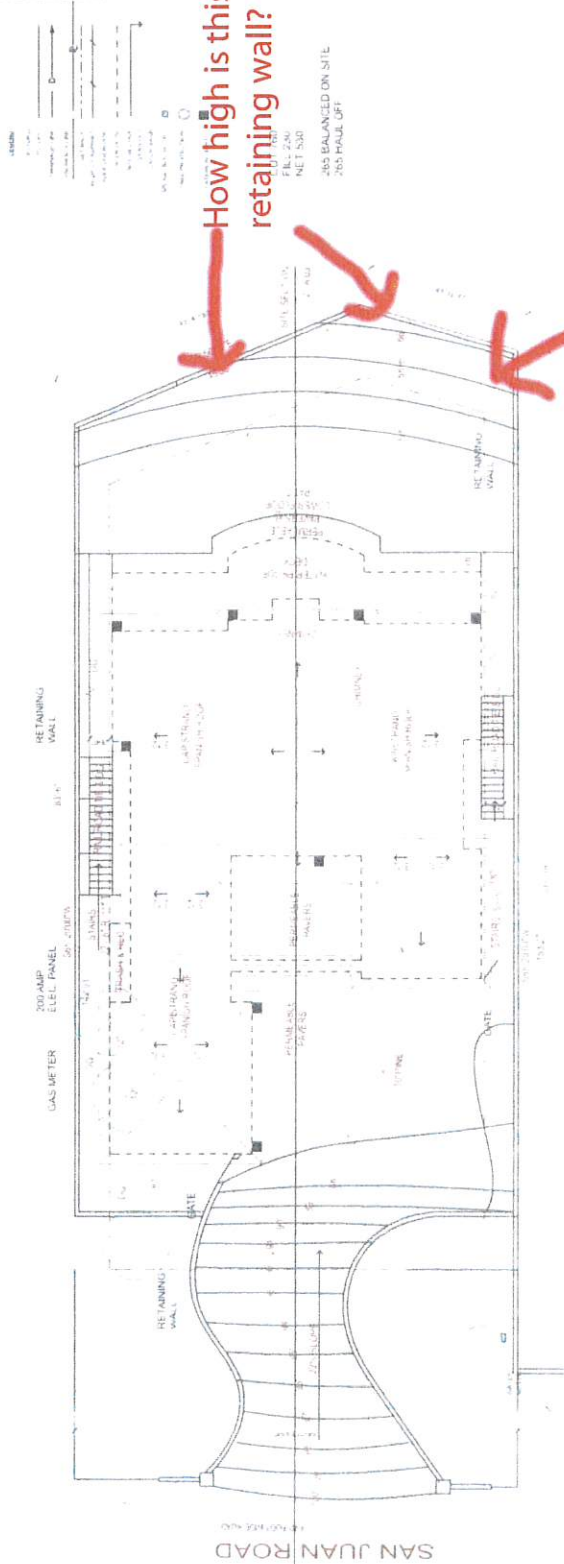




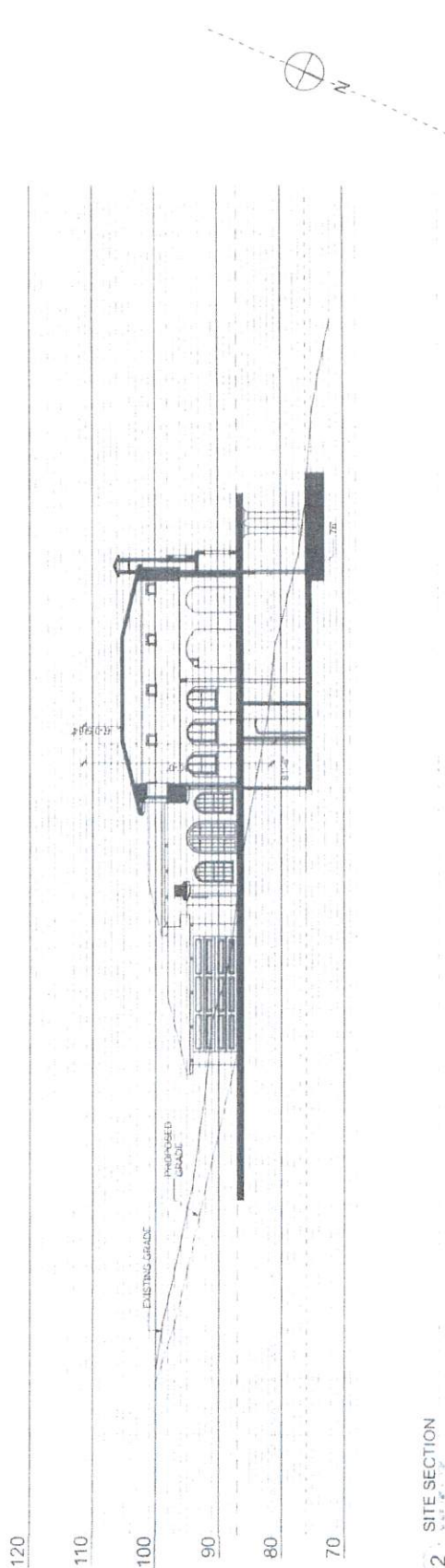
Landscaping plan does not match current floor plan

FIRST FLOOR PLAN  
SCALE 1/4" = 1'-0"





1 SITE PLAN | DWG



2. SITE SECTION

Robin Robinson  
24376 San Juan Rd  
Carmel, CA 93923  
831-238-0902

Sept 26, 2019

Monterey County Resource Management Agency Attn: Jacquelyn Nickerson  
Land Use Division, Planning  
1441 Schilling Place – South, 2<sup>nd</sup> Floor  
Salinas, CA 93901



Dear Sir and/or Madam,

This letter is in regard to the pending coastal administrative permit for 24424 San Juan Road, Carmel, PLN190097- Walnut Cove Project. I own an adjacent property to this home.

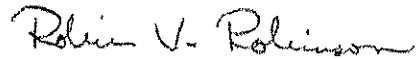
My concerns about this project are as follows:

- This property borders a seasonal creek easement that needs protection from all debris and pollution from construction. This creek runs into Pescadero creek which runs to the ocean. I am also concerned about the health of the large trees in this bordering creek area.
- The two very large retaining walls are a concern. This area is in direct line with major street drainage during storms and this section of San Juan Road is often flooded for weeks. Will these walls provide proper drainage? Will they contain any possible erosion which might stress the natural canyon, creek, and abundant wildlife beside it? The north wall is not shown in an elevation. Is there enough property beyond the house to build this wall properly? Perhaps there is an alternative to this type of arrangement which would allow more flow of water in a natural way and not require the use of landfill?
- This house has a very large volume for such a small buildable area, a volume that is not in keeping with the character of this part of San Juan Road. The plans express very tall open ceilings with 2<sup>nd</sup> story windows which will project light into the canyon. Any use of the main floor will cause light pollution from the 2<sup>nd</sup> story windows. A reduction in the size of these windows and the height of the building would address these issues.
- The owner has not taken proper care of the creek area in the past. In winter 2019, a large dead pine tree from 24424 fell and was lying across the creek against one of my trees and those of my front neighbors. At the first county hearing for the demolition, the builder promised it would be taken care of and removed. Someone showed up on a Saturday and cut the tree in pieces and left it in the greenbelt and strewn across our oaks. The current situation is a fire hazard, unsightly, and is still stressing our oaks. This type of behavior does not indicate to me that the owner truly cares to be a good neighbor or steward of the greenbelt/creek del Monte Forest property between our homes. It also does not bode well for the project in general.



- There is concern in the neighborhood for street parking congestion as this street is narrow and does not have shoulders for parking. Please provide a parking alternative for this project and require that any blockage be monitored safely and with early notification to neighbors.
- Please require that only normal weekday hours are spent in construction as this canyon reflects noise. I suggest Monday to Friday, 8-4.

Thank you for your time,

A handwritten signature in cursive script that reads "Robin V. Robinson".

Robin Robinson

26 September 2019

Monterey County Resource Management Agency  
Land Use Division, Planning  
1141 Schilling Place, South, 2<sup>nd</sup> Floor  
Salinas, CA 93901

**Re: PLN 190097**



To Whom it May Concern,

At 24418 San Juan Road in Carmel, a developer proposes a house and garage that measure 2,623 square feet (PLN 190097) and on the adjacent lot, a house and garage that measure 4,355 square feet (PLN 190098). As owners of the house at 24434 San Juan Road, we write this letter in opposition to PLN 190097; we have submitted a separate letter for PLN 190098 and a third letter expressing our concerns about the cumulative impact of this development.

At 24418 San Juan Road, the developer proposes a suburban house, of questionable aesthetics, for a rugged hillside lot that adjoins Pescadero Canyon. It is as if the house and lot had never met. Predictably, the result does not work. Only with enormous retaining walls and other patches can this ugly and blockish house alight on the property. While this house sits in the shadow of the developer's other proposal (PLN 190098), it too is too large, too ill-conceived, at odds with the neighborhood, and in opposition to the natural beauty of Pescadero Canyon.

Anyone who has seen the property understands immediately the challenges. For almost 80 years, a mid-century modern house has straddled the two lots of the proposed development. We strongly suspect that the two lots were put together because of the severe slopes on this lot. Now, instead of harmonizing with and subordinating to the natural beauty as the County code requires, the developer seeks to overwhelm the natural terrain, relying on earth-moving and retaining walls to squeeze the maximum allowable 2,800 square feet onto the property.

The County code requires that on slopes greater than 30 percent, there a) there is no feasible alternative which would allow development to occur on slopes of less than 30%; or b) that the proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives. Feasible alternatives do exist but are unexplored, and no one can claim this grab to maximize square footage for a spec house supports the coastal program. If these land use requirements are to have any meaning, the County must reject this proposal.

The severe slopes make the required garage an ornament that will likely never shelter a car. The developer proposes to fill the existing drop-off from the street to squeeze in a driveway. In so doing, his driveway is actually higher than the eastern edge of the garage. A car is to drop down the driveway and somehow then turn into the garage. It will not happen and cars will crowd the street, in contravention of Monterey County policy.

To affix this house to this precarious lot, the developer relies on enormous retaining walls. The walls will be seen from miles away, and Pebble Beach residents will look up the canyon and see 13-foot scars. Had the design worked with the existing terrain and – like neighbors have done – harmonized with the land, a 13-foot retaining wall would be unnecessary. The drawing on page A3 of the plans demonstrates the incongruity of the house and lot. The grade travels down the terrain while this huge house sits atop, as if the natural environment does not exist or matter. It is exactly this type of development unconnected to the site that prompted the County to add qualitative aspects to its review process: requirements to harmonize with and subordinate to the natural beauty and fit with the character of the neighborhood.

This project clearly fails to satisfy these qualitative aspects. The developer withdrew it from the Land Use Advisory Committee after facing neighborhood opposition. According to the County's own analysis, outlined in a letter to the builder dated August 12, 2019, it is nearly 1,000 square feet larger than other houses in the neighborhood. The design is inconsistent with neighboring structures, including its conjoined twin (PLN 190098). If permitted, the house will blight the canyon and the neighborhood. The neighbors have been clear in their opposition. We respectfully request that you deny this application to allow the developer to return with a proposal consistent with the lot and the natural environment.

Very truly yours,

Tom O'Brien and Natalie Nielsen  
24434 San Juan Road  
Carmel, CA 93923



26 September 2019

Monterey County Resource Management Agency  
Land Use Division, Planning  
1141 Schilling Place, South, 2<sup>nd</sup> Floor  
Salinas, CA 93901

**Re: PLNs 190097 and 190098**



To Whom it May Concern,

We write in strong opposition to the proposed development of two adjacent homes on San Juan Road in Carmel, PLN 190097 and PLN 190098. The applicant is a real estate developer and an absentee landlord of the house that currently sits on those lots. We join with our neighbors in opposing these two homes that despoil the character of the neighbor and clash with the natural beauty of Pescadero Canyon. We have submitted two additional letters outlining our specific concerns with each house.

**The Monterey County code compels rejection of this project in its entirety**

Each of these two proposed houses reaches the outer limits of allowable ratios for square footage and coverage of the lots. The inquiry cannot end there, however. The code also requires consideration of fit with the neighborhood; to this end the County has an elaborate process to elicit community feedback. There simply would be no point in evaluating the neighborhood character or the project's subordination to the natural beauty if the inquiry were only about allowable ratios. If it were only a matter of statistical characteristics, why bother putting up story poles?

In this case, the record is clear and undisputed that the proposed houses damage the character of the neighborhood and the unique beauty of Pescadero Canyon. Approximately a dozen neighbors spoke out against the proposals at two Land Use Advisory Committee meetings. The builder acknowledged the houses were not what he would prefer, and the LUAC chair termed one of the houses a "monstrosity." The developer (applicant) then pulled the project from further consideration by the LUAC. To now approve his ill-fitting proposals would reward his decision to circumvent the process and would contradict the code requirements to consider the qualitative aspects of the proposals.

**The County must consider alternatives to the project**

The developer's maneuver to avoid a LUAC decision is just one of the many deceptive acts he has undertaken to shoehorn these monstrous houses into our neighborhood with minimal scrutiny. While we have submitted letters that address each house individually, a discrete look at each house overlooks the enormity of the consequences the proposed development has on the neighborhood. Indeed, the exemption from CEQA for a single-family residence is inappropriate for this development – a full CEQA review should occur.

CEQA requires a consideration of alternatives. So too does the County code, when, as here, the construction occurs on slopes of 30 percent or more. Section 20.64.230 requires the County to make a finding that a) there is no feasible alternative which would allow development to occur on slopes of less than 30%; or b) that the proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program than other development alternatives. Given the developer's

record of deceiving the County, we have reason to believe the slopes are greater than shown on the plans. Steep slopes pose their own set of design challenges, and the size of these houses on steep slopes necessitate massive retaining walls that are themselves out of character with the neighborhood.

**The developer's attempts to game the process should not be rewarded**

From the start, the developer has attempted to manipulate the review process. He separated demolition from construction, paving the way for demolition of the existing house without allowing for full consideration of what would replace it. He falsely claimed the house to be destroyed was built in 1970, until neighbors proved that a lie. After promising changes to the LUAC, he withdrew from that process and submitted a new plan with only minimal concessions to the extensive opposition he received. Indeed, the revised plans ignore the County's recommendation in an August 12, 2019 letter to "re-design the project to better conform to the neighborhood character by reducing the overall mass..."

Splitting this project into two applications robs planning staff and the neighbors of a full look at what will happen if both applications are approved. What is more, because the developer provides separate plans for each house, the County is considering each one as if it were not immediately adjacent to the other. It is unconscionable to treat these proposals as if they are separate projects, when the builder openly acknowledges that construction on both houses will take place concurrently and that soil removed from one lot will be used as fill for the other lot. The neighbors are left to wonder what the combined impact of both houses will be. Only because of a neighbor's CAD drawings can we see that when combined the two houses merge into an enormous block that completely fills both lots and consumes much of the open space above them. Large retaining walls and ugly ornamentation will scar the neighborhood and be visible for miles as monuments to ostentation and greed. The County must consider the two projects as they will eventually look in our neighborhood.

**The project will have profoundly negative local effects**

Beyond allowing these hideous houses to blight the neighborhood, a decision allowing this development will have long-term consequences that must be considered. The County has already permitted the developer to destroy the site-appropriate structure that was consistent with the neighborhood, except for the dilapidation caused by the developer's negligence as an absentee landlord. Approving these massive houses – 4,355 and 2,623 square feet on a site that currently supports a 2,500 square foot house– will open season on the destruction of Carmel Woods through a conversion to a sea of large homes that are no longer permanent or primary residences. Renters will be displaced and the homes will crowd together, maximizing allowable ratios but obliterating the quality and character of the neighborhood. Every one-story house that backs up to the canyon will now be at risk for this type of conversion if the County grants these permits.

Thank you for considering our concerns about this development.

Very truly yours,

Tom O'Brien and Natalie Nielsen  
24434 San Juan Rd.  
Carmel, CA 93923

September 26, 2019

Monterey County Resource Management Agency  
Land Use Division, Planning  
1141 Schilling Place, South, 2<sup>nd</sup> Floor  
Salinas, CA 93901



Re: Projects 190097 and 190098, Walnut Cove LLC

To Whom It May Concern:

On October 9, 2019, your committee will be reviewing the above-mentioned building projects in my neighborhood. My home is across the street and four doors down from the lots in question. My concerns relate to both projects.

- ❖ As stated in the Notices of Public Hearing, the two projects together would require grading 780 cubic yards of cut and 950 cubic yards of fill. The volume is staggering. Moving this much dirt etc. would necessitate many large and heavy trucks coming and going to the work sites. San Juan Road is a very narrow street, approximately 15 feet wide from the proposed worksites' driveways to the deep gully in front of the house directly across the street. How will these trucks maneuver safely?
- ❖ San Juan Road and the streets accessing the project worksites are also in very poor shape: full of cracks, potholes, large exposed tree roots, and sections of asphalt that have popped up and off exposing the dirt beneath. Our neighborhood expects much more damage to our street due to these projects. Walnut Cove, LLC must be held financially responsible for the additional damage that will occur.
- ❖ In order to skirt the County's height limit rule, the projects' plans call for digging down several feet and removing the cut. If no changes are made to the projects' plans, the proposed driveways will have very steep slopes which will cause major challenges/dangers as these trucks attempt to access the actual work sites for pickup and delivery of cut and fill. The steepness is also of concern to the future residents of these homes. More than normal acceleration will be required to back out of the steep driveways. With such a narrow street, can they get out without landing in the gully or on the property of residents across the street? And what about the safety of other vehicles on the road, and the heavy pedestrian traffic in our neighborhood? Safety is a major issue with these proposed plans.

I have lived on San Juan Road for over 30 years. During that time, I have seen many improvement projects in the neighborhood. I am not against improvement or new building projects, but I am very upset that these two proposals are not in keeping with the character of our neighborhood and can/will present many safety concerns.

Sincerely,

Pat Roberts  
24365 San Juan Road  
Carmel, CA 93923



26 September 2019

Monterey County Resource Management Agency  
Land Use Division, Planning  
1141 Schilling Place, South, 2<sup>nd</sup> Floor  
Salinas, CA 93901

Re: PLN 190098



To Whom it May Concern,

At 24424 San Juan Road in Carmel, a developer proposes a house and garage that measure 4,355 square feet (PLN 190098) and on the adjacent lot, a house and garage that measure 2,623 square feet (PLN 190097). As owners of the house at 24434 San Juan Road, we write this letter in strong opposition to PLN 190098; we have submitted a separate letter for PLN 190097 and a third letter expressing our concerns about the cumulative impact of this development.

While the house technically meets the County's statistical requirements for floor area ratio and lot coverage, the developer's insistence on pushing the boundaries of the allowable limits creates a host of cascading problems:

**1 The mass of the house is wildly out of character for this neighborhood.** The County's own analysis substantiates this point. Indeed, a letter from Assistant Planner Jacquelyn Nickerson to the builder dated August 12, 2019, stated that

"...the average square footage within the neighborhood is 1,978 square feet but ranges depending upon the block from 1,733 square feet on the immediate street to 2,255 a few blocks over. There are a number of houses that range from 2,000 square feet to 2,900 square feet, but only a handful that are 3,000+, let alone 3,700 square feet. As proposed, the project may have substantial issues relative to conforming to neighborhood character and design. It is my recommendation to re-design the project to better conform to the neighborhood character by reducing the overall mass of the single family dwelling."

Square footage alone understates the size of this house. With its massive walls—including a 19-foot-high top plate—and high ceilings, the volume of this house is far greater, as the same August 12 letter suggests. It will swallow everything around it and dominate the entire neighborhood.

**2. The developer seeks to build to the outermost allowable limits on a lot with severe limitations.** Many of the most striking defects with these plans result from the unhappy marriage of trying to reach allowable limits on a lot that can only naturally hold something far smaller. The steep slopes constrain how much house can be on the lot and where it can sit. Simply relying on the code ratios for lot coverage or square footage is inappropriate for this property. The fact that the slopes exceed 30 percent merits heightened review. What is more, the slopes of this lot appear to the eye much steeper than shown on the plans. If the County has



not independently verified the slopes, it should do so. As an example, the driveway, which the plans say will have a slope of 22 percent, may be understated.

**3. The desire to maximize the structure on a steeply sloped lot has created the need for extensive alterations to the hillside.** The plan is to scoop enormous amounts of earth from near the street to create a level spot to begin the structure. The house is already significantly below the street and this plan will make a steep driveway even steeper. Runoff and drainage issues, already a problem in this area, will become worse. More importantly, the movement of earth makes it clear the developer intends to dominate the natural beauty, rather than subordinate to it as the County code requires. While the slopes are steep on this lot, a house can harmonize with the natural terrain. In fact, the existing house has done so for almost 80 years. This house does not.

Steep slopes and proposed hillside alterations have led to the design of a garage that will be virtually inaccessible to cars. While the house has a garage, as the County requires, it is highly unlikely that the garage will actually shelter cars. A car coming down the steep driveway will be unable to turn directly into the garage. Only by multiple maneuvers will cars be able to access the garage. Predictably, they will park on the street or in front of the house because it is easier. This is but one of many egregious examples of how the developer's desire to maximize the size of the house has led to design decisions that flout the spirit, if not the letter, of the County code.

**4. Gutting the hillside to make room for the massive and ill-fitting structure has created a need for commensurately massive retaining walls.** Pushing the allowable limits to their extremes as this project does requires a long and high retaining wall running down the southern line of the property and another abutting the canyon. The plans do not fully elaborate the dimensions of these walls, but the detail they do reveal is alarming. If the house itself is out of character with the neighborhood, so, too, is a 10-foot high retaining wall. From many angles and for many miles, the house will look like a fortress rather than subordinating to and harmonizing with the natural beauty. At one point, the developer's plans included footings that were clearly located on our property (24434 San Juan Rd). The County's August 12, 2019 letter asked that this be amended. It is unclear whether the new plans have been corrected. But even if the drawing now keeps the footings on the developer's land, the excavation will undoubtedly need to cross the property line. This is just another example of attempting to put too big a house on a lot that cannot support it.

**6. Excavations for the retaining walls will imperil landmark oaks on adjacent properties.** Our house is immediately to the south of the proposed project, and we have several landmark oak trees that sit near the property line. Excavations for the southerly retaining wall will imperil our landmark oaks—indeed, as mentioned, the original plans showed the footings for this wall on our property, which would have certainly dealt the oaks a fatal blow. Moving the wall onto the project property is not just a matter of moving a line on the drawings. Instead, at the very least it will require deeper excavations that will still threaten the root systems of our oaks. A development that did not stretch to the setback limits would not only be more in keeping with the neighborhood, it also would not threaten these landmark oaks.

The brutish house that is proposed for this lot appears to have been designed in a vacuum—bound only, and barely, by the statistical requirements of the County—and with complete disregard for the context in which it will be built. It does not fit its lot in a practical, livable way. It also does not fit the

neighborhood, and it is especially contrary to the natural beauty of Pescadero Canyon. If this house is built as planned, it will forever blight the area. Its mass and ugliness are aggressive and reveal nothing but contempt for the neighbors and the environment. The neighbors have been clear in their opposition.

We respectfully request that you deny this application to allow the developer to return with a proposal consistent with the lot and the natural environment.

Very truly yours,

Tom O'Brien and Natalie Nielsen  
24434 San Juan Rd.  
Carmel, CA 93923

Robin Robinson  
24376 San Juan Rd  
Carmel, CA 93923  
831-238-0902

Sept 26, 2019

Monterey County Resource Management Agency Attn: Jacquelyn Nickerson  
Land Use Division, Planning  
1441 Schilling Place – South, 2<sup>nd</sup> Floor  
Salinas, CA 93901



Dear Sir and/or Madam,

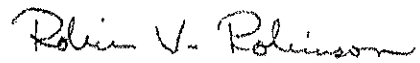
This letter is in regard to the pending coastal administrative permit for 24424 San Juan Road, Carmel, PLN190098- Walnut Cove Project. I own a nearly adjacent property to this home.

My concerns about this project are as follows:

- This house has a very large square footage and volume for a small buildable area, which is not in keeping with the character of this part of San Juan Road. Perhaps it might have been appropriate for the original lot size, but for the divided property, this structure will stick out. As an example, the proposed home's master suite is only slightly smaller than my entire house which is on a ½ acre.
- The style of the building is not in keeping with the character of our block. The Spanish style is only represented by one other home which is not an exaggeration of the style as this home appears to be. Features such as outside columns and the general grandiosity go against the natural feel of the homes here.
- I am concerned about light pollution from the rear of the house which faces the canyon. The open ceiling area allows for light from the main floor to project out of the top floor when occupied. This problem is due to the height of the rear of the building, which approximates 3 stories.
- There is concern in the neighborhood for street parking congestion as this street is narrow and does not have shoulders for parking. Please provide a parking alternative for this project and require that any blockage be monitored safely and with early notification to neighbors.
- This property borders a seasonal creek easement that needs protection from all debris and pollution from construction. This creek runs into Pescadero creek which runs to the ocean. I am also concerned about the health of the large trees in this bordering creek area and the birds and animals who regularly visit.
- The scope of this project will ruin our fragile road. I suspect the county will need to replace this block of road at the end of the project.

- Please require that only normal weekday hours are spent in construction as this canyon reflects noise. I suggest Monday to Friday, 8-4, with strict monitoring.

Thank you for your time,

A handwritten signature in cursive script that reads "Robin V. Robinson".

Robin Robinson



## Nickerson, Jacquelyn x5240

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**From:** Peter Brickey <pcbrickey@gmail.com>  
**Sent:** Sunday, September 29, 2019 4:04 PM  
**To:** Nickerson, Jacquelyn x5240  
**Subject:** Concerning PLN190098

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

September 30, 2019

Monterey County Resource Management Agency Land Use Division, Planning  
1141 Schilling Place, South, 2nd Floor  
Salinas, CA 93901

Re: Project 190098, Walnut Cove LLC

To Whom It May Concern:



On October 9, 2019, your committee will be reviewing the above-mentioned building project in my neighborhood. My home is at

24506 Pescadero Road and is a 'flag' shaped lot of approximately 19,500 sq feet, the subject project shares the North-East corner of my lot.. My family has owned this property since 1951 so we are familiar with the Dr. Miranda's upkeep of the subject property. I have the following concerns about the subject property.

In February 2005 a large tree on my property fell and landed on the subject property and on doing so it severely damaged a small illegal guest house. I contacted my insurance company and also Dr Miranda about compensation for the damage. I did not receive any response from Dr. Miranda and he had the illegal guest house removed. The people who removed the guest house did not do a sufficient cleanup and left pieces strewn around. Dr. Miranda has never paid much attention to the upkeep of the subject property and I am afraid that he will apply this attitude to the new house.

I have a drainage problem with water draining from the subject property on to my driveway which, in the winter, makes the driveway impassable unless 4 wheel drive is used. I am afraid with the suggested building and grading that the drainage problem will become worse.

I see, in the front and side elevations of the new house the indication of a second floor to the proposed house. However, I do not see any reference to a second floor plan, nor do I see any access via either stairway or elevator to the second floor or any means of a fire escape. Is there going to be a second floor or is it to be added later?

In closing, I do not have a problem with a new residence being built on this parcel, but do not want a house that has no relationship to the wooded area it is being built in. The plans for the house, that is proposed for this parcel, have been pulled from a general set of plans that appeared on the internet and plopped in with out any regard to the configuration of the parcel.

Thank you,  
Peter C. Brickey

September 30, 2019

Jacquelyn Nickerson  
Assistant Planner  
Monterey County Land Use Division  
RMA Planning  
1441 Schilling Place – South, 2<sup>nd</sup> Floor  
Salinas CA 93901



Dear Jacquelyn:

For the Planning Commission's scheduled October 9, 2019 public hearing to consider "taking action" on the Walnut Cove LLC project on San Juan Road, please accept the following comments:

1. As you know from my previous written comments on this matter, **I reside at 24457 San Juan Road**, to which I moved 3 years ago from Los Gatos. My house is across the street and two houses up from the proposed development. Notwithstanding the effort of at least one member of LUAC to segregate concerned neighbors into "site" and "non-site" neighbors (presumably to dismiss "non-site" neighbors' concerns as somehow less compelling even though they are being asked to endure the same (during the, at least, two-year period the builder says he needs to complete the demolition, site preparation, and construction of two houses) assault on the quality of their lives, the quiet enjoyment of their homes, and the character of the community as more adjacent neighbors), **I feel no less of a direct, personal stake in the outcome** of this project than any of my neighbors. My house is no more than 100 yards away from the proposed project site and I can see from my living room the ugly orange flags marking the broad and imposing outlines of its two proposed structures. And I work at home, during the very hours to which the County may propose the builder "confine" his work on this project so as to minimize the noise, traffic, fumes, filth and general commotion this over-sized, out-of-scale, vanity project portends (and which, at least one member of the LUAC openly acknowledged, "has understandably inflamed the anger of a good part of the neighborhood."
2. There Has Been A Disconcerting Ambiguity About the Nature of, and Weight Properly Assigned to the Impact of the Proposed Development -- **During the More Than Two Years Anticipated to Complete the Proposed Demolition, Site Preparation, and Construction of Two Houses** -- on the **Quality of Life** in the Neighborhood and the Neighbors' Right to the Quiet Enjoyment of Their Homes, AND -- **Once the Development is Finally Completed** -- on the **Character of the Neighborhood**

From the outset, this project has fueled a passionate outpouring of concern from neighbors about impacts, less technical in nature than those consuming the commission's time and attention, whose weight in the commission's final decision

remains unclear, but which are deserving of more serious consideration than how they can be "mitigated" once the project is approved. The LUAC openly acknowledged that the project – given its proposed scope and scale – would prove a nightmare for the neighborhood. Scoffing at the builder's claim that he could complete the demolition, site preparation, and construction of two houses within a two-year timeframe, one member noted that the neighborhood was understandably troubled by the anticipated noise, congestion, dust and other filth, smell, and overall clatter and commotion of such a protracted project, quipping that his workers will be the subjects of considerable anger when work begins. Two years of daily, ear-shattering, noxious, foul-smelling, street and air-clogging construction, takes a toll on the neighborhood. The same member of the LUAC was so troubled by the prodigious amount of materials and men the builder needed to just prepare the steeply-sloped site for construction that he advised the builder that the County would **require a bond** to ensure that the damage he anticipated to San Juan Road was properly repaired and the street rebuilt and repaved. But a bond is the wrong solution. It, like other so-called "mitigating" measures designed to minimize the admitted misery the proposed construction will cause the neighborhood, **merely seeks to "mitigate" damage to the neighborhood that the County should not permit in the first place** and should "scale" the project to prevent, rather than seek to repair once the damage has been done. And mitigating measures like restricting the hours of construction do nothing to alleviate the disruption to neighbors who work at home, often to avoid the cackle and bustle of office life.

And yet, despite the obvious misery to the neighborhood this proposed project threatens, another member of the LUAC observed that the developer was "actually doing the neighborhood a favor by building the two house at the same time" rather than sequentially.

In addition, before the LUAC, neighbors raised the concern that this overreach-for-maximum-resale-value-of-a-project threatened the character of the neighborhood of smaller, working-class homes. But these concerns seem to have fallen on deaf ears.

The contrast between the weight the County has thus far given these factors and the treatment they are given in adjacent communities is stark, and troubling. For example, in early July this year, the Carmel Pine Cone ran an article about the neighborhood outrage generated by a mega-mansion proposed by the owner of three adjacent houses on Carmel's iconic Scenic Road. The neighbors prevailed in opposing the project, primarily, although not exclusively, on the grounds that Carmel is a "town of small houses (like the neighbors here, they contrasted their community with Pebble Beach, where such developments are common) and that the proposed mansion was "out of character" with the neighborhood. The city planning commission agreed. The commission's Stephanie Locke said "clearly, in my opinion, it's out of character with our village in a forest by the sea." Another commissioner complained that the proposed house was "dramatically out of scale." They sent the matter back to the drawing board.



I suggest the Planning Commission here follow its counterpart's lead and send this construction back to the drawing board to be properly scaled to fit the unique, steeply-sloped site and the character of the neighborhood.

3. Rather than focusing on concerns the neighborhood shares in common as to the overall impact of the project, the debate over this project's approval has devolved into a highly **technical, piecemeal, homeowner-by-homeowner-specific, and hence frustratingly narrow argument over minutiae whose undeserved prominence obscures the real threat** this development poses to my neighbors' right to quietly enjoyment their properties and to maintain the quality of lives, the very factors that attracted them to the neighborhood, and which the County is all too happy to weigh in assessing the values of individual properties in it for tax purposes but then simply refuses to protect. Here, the **focus on the trees has truly hidden the damage to the forest**, both literally and figuratively. If in doubt, consider how the "resale" of homes in this community will be impacted when potential buyers are treated to a home tour amid the clatter and chaos of more than two years of demolition, site preparation, and construction. Will our properties be re-assessed during that period to reflect the real diminution of their value as a result of these protracted, albeit temporary problems?
4. The Frustration of a **One-Way Negotiation** to Give the Proposed Development Its Proper Scope and Scale to Minimize Its Impact on the Quality of Life on the Neighborhood During Demolition, Site preparation, and Construction and Its Character Thereafter

The neighborhood has never once expressed opposition to the developer's right to develop its property. It has objected only to the wildly inappropriate size, scope and scale of the proposed development which, far from fulfilling the deeply-felt dream of a real homeowner, is simply the over-reach of a commercial developer to maximize the resale value of its property. The developer, unlike its current neighbors, has no long term interest in the neighborhood.

The high level of neighborhood engagement, or more accurately, **outrage, this project has triggered, and the neighborhood's openness** to some compromise that would both address its concerns and allow the developer to exploit the property for the big resale payoff which is its sole and unbending concern **stands in sharp contrast to the developer's utter indifference to the sentiments of its neighbors, and the existing "look and feel" of the neighborhood, and its contempt for the government agencies and processes in place to address them fairly.** At no point in this extended process has a representative of the development company shown his or her face before any of the various government agencies working hard on its application **for any purpose** -- to defend its design or explain its unwillingness modify them to address legitimate community concerns -- much less engaged, one-on-one or collectively, the neighborhood it has so outraged and in whose midst it seeks to dump (and then simply flee by reselling) this abhorrent monument to vanity and profligacy. Instead it has sent its builder to defend a design the builder himself has admitted reflects an approach he

"would not have taken but for the insistence of his client" and who pled his lack of "agency" in responding to a host of concerns raised by the neighborhood and the County agencies themselves -- skepticism about the purported 2-year timeline for completion of the project, the builder's projections about the difficulty and cost of preparing the site for construction, the damage to and overburdening of the all too narrow and already poorly maintained road (San Juan) over which the developer proposes to haul an amount of grading and building material commensurate to the piggish scope of the design and the site challenges it creates, and the acknowledged anger the builders' workers will encounter (as the only available object of community outrage) from a community that has made its opposition to the proposed construction so loudly and passionately known to anyone who will listen to their anguished pleas for some semblance of scope and scale and style in the proposed construction..

5. The Frustration with the Developer's Blatant, and Unrepentant **Gaming of the Process** to Win Approval of its Mega-Development by Preventing An Assessment of its Overall Impact, Measured in the Aggregate on the Basis of all the Factors Prescribed by CEQA, the County's General Plan, and other Legal Requirements and Guidelines.

At least one member of the LUAC expressed frustration (in connection with the drainage and runoff issues as it impacts the adjoining properties, the forest, and the neighborhood as a whole, rather than the site alone), all too familiar to me, that the various issues this project raises have been **treated in isolation** rather than in the aggregate. Initially, I was concerned, and wrote the county twice, that it could not "piecemeal" its consideration of the project under CEQA by treating the demolition separately from the proposed construction of two new homes on the site. But the proposed construction itself raises all kinds of concerns that should be considered together, nor separately. For example, what are the downforest effects on the Del Monte Forest of this massive construction on its upper edge? Have the agencies tasked with responsibility for assessing them -- the California Coastal Commission or agencies more directly managing the forest itself -- been properly solicited and their concerns addressed?

Thanks for your time and consideration.

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