

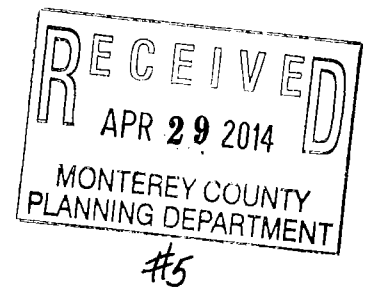
REF140008 COMMENTS – 04/28/2014 - 11/03/2014

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RET 140008

April 28, 2014



Martin Carver, AICP, Management Specialist
Monterey County Resource Management Agency-Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Martin,

Following up on our phone conversation earlier today regarding the upcoming Planning Commission Workshop on the proposed adoption of a nighttime noise ordinance –

My wife and I have owned and lived at our place for 11 years (Thomas and Sally Ponleithner, 25426 Carmel Knolls Drive, Carmel, CA 93923 (APN 015-321-003).

The property on the north side of our house is 25410 Carmel Knolls Drive, Carmel, CA 93923 (APN 015-321-004).

For the past 2 years, we have effectively lost the ability to use our home as a place to live, rest, and enjoy our time off from work. Our lives have been disrupted on a daily and nightly basis by the activities of the neighbors living at 25410 Carmel Knolls Drive.

The problems largely stem from the fact the zoning for our neighborhood needs to be revised, there is no way somebody should be able to house large numbers of birds (up to 499 permitted under the current zoning) and other animals in a residential subdivision with such modest lot sizes and where the homes are built so close to each other, often separated by 20 feet or less.

I am enclosing a compact disc with a few audio/video files so you can get some idea of just how badly my family's use of our property has been marginalized, with the emphasis really being on the daytime **and nighttime** noise being generated by the birds housed at 25410 Carmel Knolls Drive. Make sure you have the audio turned on when you play the videos, and please note, those videos are all taken right outside our bedroom window.

Our situation touches on several zoning and ordinance issues, we have been actively working with the Planning Department, Animal Control, the Sheriff's Department, and directly with Supervisor Potter's office. We have even progressed to retaining a prominent local law firm so that we can seek relief from the courts, including pursuing violations of state laws in the event the county's policies and enforcement fail to produce any substantive results.

Based on all the work we have put in on this issue over the past 2 years, I find it extraordinary how easily a property owner can be marginalized in unincorporated Monterey County. I strongly encourage the Planning Commission and Supervisors to adopt an enforceable, robust nighttime noise ordinance to

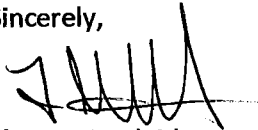
protect property owners. As it is, I would strongly discourage anybody from buying or renting a home in unincorporated Monterey County.

Comprehensive, enforceable noise ordinances are essential to protecting homeowners, and in California, most of us will work our entire adult lives to afford a home, so we need protection and good noise ordinances should be a top priority.

Whether a home in a new subdivision or a 50+ year old home like ours, residents and homeowners need protection from these types of disturbances. We need peaceful and orderly communities to live in, my family is clearly being deprived of such.

Ironically, back in 2003, when my wife and I purchased our home at 25426 Carmel Knolls Drive, the house came on the market after the neighbors on the south side of the property took legal action against the prior occupants of our house for the incessant noise they were making day and night, including having parties that went late into the night with stereos blasting out on the patio. And 11 years later, here I am having to hire lawyers and use the courts to regain the use of my property.

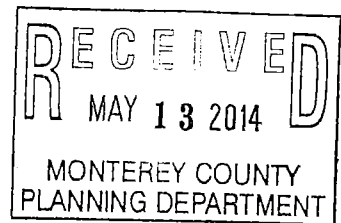
Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Ponleithner', with a horizontal line drawn through the middle of the signature.

Thomas Ponleithner
25426 Carmel Knolls Drive
Carmel, CA 93923

Onciano, Jacqueline x5193

From: Novo, Mike x5192
Sent: Tuesday, May 13, 2014 7:45 AM
To: Onciano, Jacqueline x5193; Carver, Martin 796-6049
Subject: Fwd: Noise Ordinance



Sent from my iPad

Begin forwarded message:

From: Luana Conley <luanaconley@gmail.com>
Date: May 12, 2014 at 8:07:33 PM PDT
To: "Novo, Mike x5192" <novom@co.monterey.ca.us>
Subject: Noise Ordinance

Hi Mike, I am hoping there could be some way to address nuisance noise that disturbs the peace and tranquility of a neighborhood but does not reach the decibel threshold of nuisance.

For example, In my quiet semi-rural neighborhood of Robles del Rio, a neighbor has taken to playing ping pong outdoors for hours at a time, (including the macho beerhall shouting that seems must accompany this). He also plays an obnoxious game called Washers that involves tossing a heavy piece of metal on a hollow wooden box, somewhat like horseshoes. This particular game is simply not suited for a residential neighborhood.

There are mitigating efforts he could take, but his attitude is he is going to do what he wants and the neighbors be damned. We are investigating county mediation, and have had the sheriff's office out about 3 times. Neighbors are reacting with varying levels of distress, depending on which way their windows face in this "little bowl" of a street where this noise echoes and ricochets.

If there is a way to codify this in such a way that it wouldn't ruin others' quality of life too, it would be a miracle.

Thanks for trying!

Luana Conley
P.O. Box 113

Carmel Valley, CA 93924
831-747-0781
831-659-4958

After the game, the king and pawn go into the same box.

Onciano, Jacqueline x5193

From: Novo, Mike x5192
Sent: Friday, May 16, 2014 8:35 AM
To: Hubbard, Molly C. x4522; Onciano, Jacqueline x5193; Carver, Martin 796-6049
Subject: FW: noise ordinance

Fyi for us to think about whether we want the ordinance to try and tackle this issue.

Thanks,
Mike

Mike Novo
Planning Director
Resource Management Agency - Planning Department novom@co.monterey.ca.us
ph: 831.755.5192
fax: 831.757.9516

-----Original Message-----

From: Laurie Hastings [<mailto:lauriehastings@sbcglobal.net>]
Sent: Thursday, May 15, 2014 4:54 PM
To: Novo, Mike x5192
Subject: noise ordinance

Hi Mike, I am a neighbor of Luanna Conley and I just wanted to chime in and let you know that indeed there are lots of other people in our neighborhood (I being one of them) that agree wholeheartedly with her and the letter she wrote to you dated May 12, 2014. It is unbearable at times and it goes on and on and on with zero regard for the neighborhood. We have talked to him, and like Luanna said, he just does what he wants to do when he wants to do it. It would be so wonderful if you could address this issue. We would be eternally grateful. Sincerely, Laurie Hastings. You can reach me at 6592107 or 8014367. Thanks for the consideration.

Carver, Martin 796-6049

From: Dale Ellis [dale@alombardolaw.com]
Sent: Tuesday, May 20, 2014 9:23 AM
To: Onciano, Jacqueline x5193; Carver, Martin 796-6049
Subject: Noise ordinance

- Did the PC complete its study session?
- Will there be a study session at the Board? If so, do you have a tentative date?
- Do you have a tentative date for the PC public hearing on a draft ordinance?

Thanks.

Dale Ellis
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
450 Lincoln Avenue, Suite 101
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
Email dale@alombardolaw.com

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Carver, Martin 796-6049

From: Lynn Learch [lynn_learch@yahoo.com]
Sent: Monday, June 16, 2014 8:04 AM
To: Carver, Martin 796-6049
Subject: Re: Out of Office: Noise Control Ordinance

This is a typical scenario that neighbors have to endure which is analogous to our County experience. Excessively loud music from the park on Saturday and two neighbors complained to me. Meter read 70s to 80s from my deck. In the park you are suppose to measure 50 feet from source of noise (Park is 75dbas). Park aide can do nothing about enforcement so you call a ranger at Toro Park or Laguna Seca and a ranger shows up close to closing one hour and 15 minutes later. So many neighbors and others we do not know had to endured 3 hours or very loud amplified music. This is so typical and very very annoying!

Not all noises are the same; amplified music with base is particularly aggravating.

Thanks

On Wednesday, June 11, 2014 10:59 AM, Lynn Learch <lynn_learch@yahoo.com> wrote:

Thanks. I will attend the workshop in July.

On Tuesday, June 10, 2014 8:08 AM, "Carver, Martin 796-6049" <CarverM@co.monterey.ca.us> wrote:

Dear Lynn:

I had intended to respond yesterday but needed to check in with a colleague before I had any news. I wasn't able to do that yesterday but will do so this morning. I understand we got a little bogged down last month with some difficult issues in Carmel Valley. Apparently there was also some sense that we needed some technical expertise. We will be working through these issues and continue our efforts to bring our simple approach forward. At this point I think that means another workshop in July.

When I hear more, I will let you know.

Sincerely,
Martin Carver

From: Lynn Learch [mailto:lynn_learch@yahoo.com]
Sent: Saturday, June 07, 2014 8:32 AM
To: Carver, Martin 796-6049
Subject: Re: Out of Office: Noise Control Ordinance

Can you tell me where we are in the noise control ordinance? Another workshop and what date and time?

Thank you for all your efforts.

On Monday, May 19, 2014 8:46 AM, "Carver, Martin 796-6049" <CarverM@co.monterey.ca.us> wrote:

I am out of the office between May 8th and May 30th returning to my desk on June 2nd. I will respond to emails after I return. For general information please call 831/755-5025 Monday through Friday.

Carver, Martin 796-6049

From: Lynn Learch [lynn_learch@yahoo.com]
Sent: Monday, June 30, 2014 10:20 AM
To: Carver, Martin 796-6049
Subject: Re: Out of Office: Noise Control Ordinance

Martin - I will not belabor you but in the last week we have had loud music 3 times. First on a Saturday night and we called the deputies and they came out. They are always nice and very professional. However, it is difficult to locate these noises in the hills. We located a house but it was not the one. They said they would try and find the offender but never did (this is very common). So we listen to the music to 12-1 in the morning.

Again, this past Saturday night it was iffy (meaning you could hear and be bothered but not thundering) and we endured that to midnight. And yesterday it started in the afternoon and you could hear but thankfully they stopped by 6 p.m.

How is the ordinance going to address measuring the music (should be from offenders house) and what will it do for daytime noise control. When I say we hear it, it means inside with all doors and windows closed.

Thank you!

On Monday, June 16, 2014 8:03 AM, Lynn Learch <lynn_learch@yahoo.com> wrote:

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When I hear more, I will let you know.

Sincerely,
Martin Carver

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Sent: Saturday, June 07, 2014 8:32 AM

To: Carver, Martin 796-6049

Subject: Re: Out of Office: Noise Control Ordinance

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Carver, Martin 796-6049

From: S and N Barnett [saltwater9435@gmail.com]
Sent: Monday, November 03, 2014 12:21 PM
To: Carver, Martin 796-6049
Subject: Fwd: REF140008 (Nighttime noise)

----- Forwarded message -----

From: **S and N Barnett** <saltwater9435@gmail.com>
Date: Mon, Nov 3, 2014 at 11:56 AM
Subject: REF140008 (Nighttime noise)
To: Martin Carver <carver@co.monterey.ca.us>

Mr. Martin Carver:
re : REF140008 (Nighttime noise)

Many here in the OakHills subdivision (on Hwy156, between Hwy101 & Hwy 1) over months now have been experiencing late afternoon and nighttime noise nearly every weekend from Castroville bands - many times past 2am in the morning. We are approx 3miles away. The loudness/volume varies with weather, wind, terrain, and venue desires. Though 3 miles away, I can hear it inside my house.

Issues related to code enforcement, police reluctance, fear of riot, economics, culture, prejudice, on and on, make our problem quite complex. Much more complex than quelling a loud, single-event, teen party.

Apparently a planning meeting will occur at 10:30am 2014Nov12 in the Alisal Planning Commission chambers.

I searched the internet for REF140008 and found a single non-linked description.

Not enough information was given describing this planning ordinance. So I am writing you, Mr Carver because your name was given in an office notice in the Monterey County Weekly tabloid (pg55 2014Oct30-Nov5).

Please will you email any digital info/attachment related to the upcoming meeting 12Nov (REF140008)

Thankyou in advance for prompt attention,
Sincerely Scott Barnett 9435 Valley Oak Way, Prunedale 93907.
saltwater9435@gmail.com