

Exhibit D

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Mrs. Anne and Mr. Kevin Phelan
25335 Tierra Grande Drive
Carmel
CA 93923

Carmel Valley Land Use Advisory Committee
Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas
CA 93901

February 13, 2018

Reference Minutes of Meeting Tuesday January 16th 2018

Having reviewed the draft minutes of the above meeting which I attended, I do not believe they accurately reflect the concerns I raised with the Committee both verbally and in writing regarding the proposed development at 25345 Tierra Grande.

I provided substantive comments on a number of issues that had bearing on the decision to support or not the proposed project. These do not appear to have been considered according to the minutes.

Given the Land Use Advisory Committee is a key element of due process in any planning application, I request that the minutes accurately reflect the concerns raised which may have bearing on any future review or appeal of the process.

I attach below a copy of the written comments submitted to the Committee during the meeting.

Yours sincerely,

By Email

Anne Phelan

**Carmel Valley Land Use Advisory Committee
By Hand**

Written Comments Submitted to Carmel Valley Land Use Advisory Committee on Tuesday January 16th 2018

In reference to PLN170911 for 25345 Tierra Grande Drive, Carmel

Submitted by Anne and Kevin Phelan, 25335 Tierra Grande Drive, Carmel, being owners of the adjoining property located directly to the North of 25345.

The following comments for consideration by the Carmel Valley Land Use Advisory Committee are respectfully submitted:

Driveway - Exclusive Easement Concerns

The current plans appear to indicate that the proposed driveway to the new property at 25345 will be accessed from an Exclusive Easement granted to 25335 Tierra Grande in 1991.

We note that the proposed driveway to 25345 will need to be relocated to be accessed from the portion of the existing driveway subject to the Non-Exclusive Easement.

Code Compliance Concern

Removal of Native Trees

The application requests the removal of five protected trees. These mature trees are an integral part of landscape on the Buckeye Canyon side of Tierra Grande and afford part of the holistic rural landscape of the Carmel Valley enjoyed by the whole community. Removal of five Live Oaks, would appear to represent a more than 20% reduction in that population of mature trees on the lot. The destruction of more than 1/5th of the Live Oaks seems excessive both in the context of preservation and potential for increased run-off and erosion.

We request a design change be considered that materially minimizes the destruction of native habitat.

Design Concerns

Set Backs - Visual Inconsistency

Given the non-uniform shape of the lot which is very narrow as seen from the front, the current side set-backs make the main property and garage appear "shoe-horned" into the lot compared with other properties on the upper section of Tierra Grande. While the technical side set-backs appear to conform with calculated average width of lot, the visual proximity, especially to the house at 25355 and the fence at 25335 appears incongruent with nearby properties of a similar lot size. We would therefore request that maximum side set-backs of 20ft be applied to both the southern and northern side set-backs. This will help maintain visual consistency and the more open nature of lots on the upper section of Tierra Grande.

Design - Visual Inconsistency

The application specifies large cement-fiber panels as the build material. The rendering shows these as a grey color. The use of this material and finish appears incongruent with the design finishes of all neighboring properties which are either Stucco or painted wood. We would request that the design finishes be altered to maintain materially similar visual consistency with surrounding properties.

Overall Consistency - Rancho Tierra Grande Association – We note that the Architectural Control Committee of the Rancho Tierra Grande Association may have provided opinion as to the suitability of the current design of the proposed property. It is our understanding that this committee no longer has the Powers and Duties originally granted in the Declaration of Restrictions (dated April 5th 1967) and is therefore offering opinion rather than "Approval".

Furthermore, the opinion of RTGA was provided without input from three quarters of the directly neighboring properties who will be most impacted by the construction.

Concerns relating to logistics of construction

Noise and Disturbance

The build site is located in the heart of an extremely quiet existing residential area. Residents have made a choice to live in and should expect to continue to enjoy a quiet and peaceful environment during what will be a tremendously disruptive process. Construction will be noisy and disruptive to the community and therefore disturbance should be kept to an absolute minimum. We therefore request that no demolition, grading or construction activity be allowed outside of the hours of 8am to 5pm Monday to Friday and that no activity be allowed on Federally Observed Public Holidays or on Saturdays and Sundays.

Parking

Parking for construction vehicles is very limited on the site and will inevitably lead to parking and congestion on the public highway, on a curved stretch of Tierra Grande. This will create hazards for drivers and residents which will increase the risk of accident and injury. This is of particular concern as the road curves at the bottom of a long downhill straight. Vehicles forced to cross the center median to navigate around large parked trucks would be at a materially increased risk of head-on collision from vehicles coming up or down the hill.

Egress from driveways at 25335, 25355, 25340 and 25350 would be severely impeded by limited views of vehicles on Tierra Grande, increasing the risk of collision.

We believe these are material risks to the Health and Safety of the community which need to be mitigated.

We therefore request that a formal parking plan be required for the entirety of the construction project that mitigates these risks effectively and that among other appropriate measures, no parking of construction related vehicles be allowed within 50ft of impacted driveways.

Soil on Driveway and Roadways

As with any construction, this project will create mud and debris that will be transferred to driveways and the public highway.

As the build site shares a non-exclusive Easement with 25335 Tierra Grande, we request that the driveway be swept clean of debris at the end of each day, to maintain appropriate clean access to the property at 25335. Additionally we request that the portion of Tierra Grande between 25345 and Via Cincindella be similarly swept clean at the end of each day to maintain the overall cleanliness and aesthetic of Rancho Tierra Grande during this construction.

Respectfully submitted,

Anne and Kevin Phelan
January 16th 2018

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