

Exhibit G

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PLN130339 (Collins Project)
CEQA Comments regarding Initial Study

Review period of March 29, 2017 through April 28, 2017

1. April 10, 2017 – Jim & Dolores King
2. April 25, 2017 – Tracy Piazza-Leaton, Chairperson of the Citizens for Responsible Development of the Carmel Highlands
3. April 27, 2017 – Brian Wilson
4. April 28, 2017 (7:18 am) – Gwyn De Amaral (including fax pages sent again on May 1, 2017)
5. April 28, 2017 (10:11 am) – Zane De Amaral
6. April 28, 2017 (11:44 am) – Meghan De Amaral

Jimmy C. King
134 Mt. Devon Rd
Carmel, Calif 93923

PLN130339

April 10, 2017

County of Monterey

Resource Management Agency-Planning

* Attn: Anna V. Guenga - Associate Planner

168 West Alisal, 2nd Floor, Salinas Ca. 93901



* Regards: PLN130339 Collins

#1. When sub-division was originally approved this lot was not to be built on! At the meeting with the Architect at the Carmel Highland's Fire station the Architect stated that this restriction to build was accidentally added onto the original Subdivision Map.

#2. IF this lot is allowed to be built upon, by setting aside its no build 30% slope, and granting a zone change there will be a flood of Applicant's who own lots in the area that have slopes of 30% to apply for the same change given to this owner. This owner should have known when they purchased this lot that it was not to be built upon.

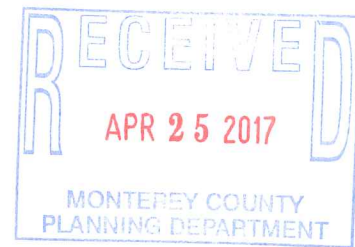
#3. The large amount of dirt to be removed to build this house is also a concern for me. Mount Devon Road is in need of road work and this project will only cause more damage to the road.

#4. Before considering this change, I think it would be well advised for the "Planning Dept." and "County Supervisor" to drive up to the sight of the Development.

Sincerely,
Jim & Dolores King
831-625-9468

Friedrich, Michele x5189

From: tracy piazza [blackcockatoo@sbcglobal.net]
Sent: Tuesday, April 25, 2017 4:58 PM
To: ceqacomment
Cc: Quenga, Anna V. x5175; Gary Fontana; Tracy Piazza
Subject: RE: PLN130339 Collins-Comments
Attachments: corrected citizens for resp development .pdf



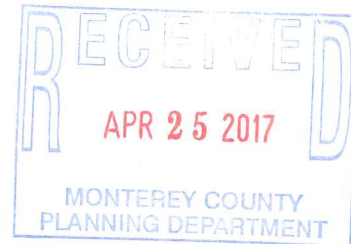
CITIZENS FOR RESPONSIBLE DEVELOPMENT OF
THE CARMEL HIGHLANDS

P.O. Box 223200, Carmel, CA 93922

Via Email and U.S. Mail

April 28, 2017

County of Monterey
Resource Management Agency – Planning
Attn: Anna V. Quegna, Associate Planner
168 West Alisal, 2nd Floor
Salinas, CA 93901



Re: PLN130339 Collins – Comments on Initial Study and Proposed Mitigated Negative Declaration

Ms. Quenga:

Citizens for Responsible Development of the Carmel Highlands is an ad hoc group which is comprised of homeowners and residents of the Carmel Highlands area who have joined together to express our concerns about the proposed development contemplated in the planning document identified above. The members of our group, which was formed to facilitate research and preparation of comments on the proposed project, are identified in Exhibit A.

We have reviewed the Initial Study regarding the impacts of the proposed development that your office issued on March 28, 2017 and ask you to consider the following comments and concerns in addition to any submitted by others, including members of our group who have individual comments that are not shared by all members of our group. We would like the opportunity to submit additional comments when certain historical documents which are cited in the Initial Study become available for public review. A list of those documents is attached as Exhibit B.

Before addressing specific objections and concerns, we believe the Initial Study fails to convey the unprecedented nature of the proposed zoning change that is required for this project to proceed and its potential consequences. If the proposed rezoning of this property is approved, it will set a dangerous precedent for steep slope development which could fundamentally change the character of the Carmel Highlands community.

This property which is the subject of the pending application was deliberately designated as Resource Conservation ("RC") and "open space" 30 years ago because it contained sensitive habitat and consisted entirely of precipitous slopes. That restrictive zoning was established long before the current owner purchased the property in 1994. Nothing has changed in the intervening years to justify a change in the zoning in order to construct a residence that will require both slope and setback variances even if the zoning were to be changed.

Our specific comments on the Initial Study are as follows:

1. The Proposed Rezoning is Unprecedented

Insofar as we are aware, the proposed rezoning that is contemplated in order to permit this project to proceed is without precedent in the area encompassed by the Carmel Area Land Use Plan. While there are other large parcels in the Highlands (some of which are cited in the Initial Study)¹ which have benefited from a relaxation in their zoning to permit residential construction, each of those parcels had one or more level building sites. None of them required slope and setback variances – in addition to the zoning amendment – in order to permit a residence to be built. This project requires all three.

2. The Proposed Structure Violates the CIP Front Setback Standards

While the details of the site and building plans incorporated in the Initial Study are difficult to read, it seems clear that the front building setback depicted in the drawings violates the Site Development Standards established by the Monterey County Coastal Implementation Plan (hereinafter “CIP”). The CIP defines the front setback as the distance from “the edge of a private or public road right-of-way or adopted Official Plan Line to the nearest point of a structure.” (CIP §20.06.1030).

Both the site and building plans contained in the Initial Study (Figures 2-5) correctly note the 30’ front setback required by even the relaxed zoning for a structure on Watershed and Scenic Zoning land. See CIP §20.17.060(C)(1)(a). However, the plans do not show the location of the Mount Devon Road right-of-way and they appear to measure the front setback from the center of Mt. Devon Road, rather than from the edge of the right-of-way as required by the CIP.² This is a fundamental error. It makes many of the statements and conclusions in the Initial Study inaccurate or, at best, incomplete.

Either the project will require a setback variance from the CIP requirements (which is not mentioned or discussed anywhere in the Initial Study) or the building envelope will have to be relocated 12.5 feet east of its proposed location. Because of the land configuration, any such

¹ The Initial Study cites two large parcels (APN 241-021-016-000 and APN 241-011-009-000) as having benefited from zoning changes to permit residential construction. Initial Study p. 9. The Initial Study fails to explain that those parcels were fundamentally different from the one at issue here by reason of the fact that each of those parcels had one or more level building sites and did not require any variance from the Carmel Area Land Use Plan or the Coastal Implementation Plan. In addition to the two examples noted above, there are at least two other large parcels located further up Mount Devon Road where construction of a residence has been allowed. (APN 241-221-008 and APN 241-221-009). In both of those cases, the property contained level building sites and did not require slope or setback relief.

relocation will require substantially more excavation than is discussed in the Initial Study. Without access to the actual building plans, it is difficult to estimate the amount of additional excavation that would be required to comply with the front setback standards. However, it is clear from the Exterior Elevations (Figure 6) included in the Initial Study that any relocation of the building to the east will require cutting into the hillside along the entire height and width of the structure.³

Unless the proposed building is fundamentally redesigned, relocation to comply with the front setback requirements could require the excavation and removal of an additional 800-900 cubic yards of the steep hillside above Mt. Devon Road.⁴ This could create a host of adverse erosion, traffic, noise and public safety effects that are not addressed in the existing study.

3. The Initial Study Does Not Address the Additional Excavation Required to Comply with the Front Setback Standards

The Initial Study recognizes that the proposed project involves construction on steep slopes with a high erosion potential. (Initial Study at pp. 28-29). However, it gives only cursory consideration to the potential soil erosion and the massive amount of excavation that the construction will require. For example, the Initial Study describes the excavation of 943 cubic yards of the hillside as a “site improvement” and then wholly ignores the potential problems that this excavation might cause.⁵

One cannot tell from the Initial Study where the 943 cubic yards of cut material is supposed to go. Is it to remain on site? If so, where will it be placed and what assurances are there that it will remain there? If the excavated rock and soil is to be trucked offsite, the movement will require literally hundreds of dump truck trips on narrow, winding rural streets where there is hardly room for automobiles to pass.

³ Visual observation of the site confirms this analysis. There is a survey stake on the property that is marked as “edge of right of way.” That stake is located in the brush adjacent to the orange construction netting that appear to depict the location of the western edge of the proposed garage. The survey stake is on a line with the south side of building above the garage. The distance from that survey stake to the metal story pole at the SW corner of the building is substantially less than 30’.

⁴ This calculation assumes that the rear of the proposed structure (at its narrowest point) is approximately 63 feet wide and 30 feet tall. If that is correct, in order to accommodate the front setback (measured from the edge of the right-of-way as required by the CIP), 23,823 cubic feet of soil would have to be removed. $(63' \times 30' \times 12.5' = 23,625 \text{ ft}^3 = 875 \text{ cubic yards})$.

⁵ The Initial Study states, “[s]ite improvements also include grading of 943 cubic yards of cut and 79 cubic yards of fill and the removal of one 14-inch Monterey Pine tree.” Initial Study p.3.

These problems will be exacerbated, to say the least, if an additional 850-900 cubic yards of excavation will be required to comply with the front setback requirements. The Initial Study claims that a Geotechnical Engineering Report, prepared by the applicant, provides assurance that conditioning approval of the project on submission of an “erosion control plan” and a “grading plan” is sufficient to justify the conclusion that any potential erosion problems can be reduced to a “less than significant level.” (Initial Study at 29). Without access to the study, it is impossible to have any confidence in that conclusion. What is clear, however, is that study never considered the traffic and public fire and safety issues that will exist if the amount of excavation on the site is doubled.

4. The Initial Study Does Not Address the Traffic and Public Safety Impacts for Removal of Large Amounts of Excavated Soil

As mentioned above, the Initial Study does not adequately explain what is to be done with all of the rock and soil that will have to be excavated in order to complete this project – whether the amount is the 973 cubic yards of cut material mentioned on page 3 of the Initial Study or the 1850 cubic yards that will result if compliance with the front setback standards is required. The site plans included with the Initial Study do not show any onsite location for this material and the Study does not include any analysis of the problems that will be created if all that material is to be hauled down Mt. Devon Road.

The only discussion of traffic issues in the Initial Study is a statement on page 15 that “construction would result in a temporary increase in traffic” and a very brief discussion of the capacity of State Highway 1. There is no discussion or analysis of the problems that will be caused by hundreds of dump truck trips on the narrow, winding residential roads between Highway 1 and the project site. This will create serious traffic and potential safety issues for residents who live in the area.

In order to remove the excavated material, dump trucks would be required to travel to and from the project site require travel over Mount Devon Road, Cypress Way and Fern Canyon Road. Each of those is a narrow, winding residential road with numerous blind spots and tight switchbacks. There is nothing in the Initial Study which addresses the traffic safety, congestion and air quality impacts that would be associated with the hundreds of dump truck trips required to remove this amount of excavated material.

There is also no discussion in the Initial Study of whether it is even feasible to construct a building of this size on this site. There is no staging area depicted in any of the plans that are incorporated in the Initial Study. There is no place for construction vehicles, especially dump trucks, to turn around anywhere near the proposed site and there is absolutely no room to park construction vehicles that is shown in the plans or discussed in the Initial Study.

5. The Proposed Project Is Located in Environmentally Sensitive Habitat

The Initial Study admits in various places that the proposed building site, as well as the remainder of the 30-acre parcel consists of environmentally sensitive habitat. For example, at page 10, the Study states:

The subject property contains two (2) distinct overlapping co-dominate vegetation types: Central Maritime Chaparral and endemic Monterey Pine Forest and is primarily native vegetation with very little (1%) of non-native species present. Both of these habitat types are present in the proposed 1 acre area requested for rezoning and residential development, as well as the remaining acreage upslope to the east. (Initial Study p. 10).

Both Monterey Pine forest and maritime chaparral have been designated as sensitive habitat and both are protected by specific development standards in the Monterey County Coastal Implementation Plan (“CIP”).

The CIP identifies “Monterey Pine Forest” as one of the “sensitive plant communities of the Carmel Coastal area” (CIP §20.146.040). It goes on to state

The sensitivity of Monterey Pine habitats in the Carmel area shall be determined on a case-by-case basis through the completion of a biological/botanical report for the project. Examples of sensitive Monterey pine forest include naturally occurring groves which:

- a. function as habitat for rare or endemic plant or animal species;
- b. have special value for wildlife due to the presence of snags suitable for cavity-dwelling species, or occurrence with Coast live oak, or native shrub understory."
- c. have high aesthetic value due to their location within the public viewshed.

The CIP also establishes special protections for “chaparral habitat” and prohibits construction in any such habitat which is located “on land exceeding 30 percent slope.”⁶ That is exactly the plant habitat and excessive slope that is presented here.

The biological survey that was prepared by the project applicant confirmed the fact that the land in question not only consists of undisturbed, nearly pure (less than 1% non-native species) pine forest and chaparral habitat. (Initial Study p. 23). In addition, the biologist confirmed the existence of 4 “special status species or habitat” on the property (one of which is an “endangered plant species”) and one other plant which the Study describes as “vulnerable” in California due to its “restricted range and relatively few populations.” (Ibid.)

⁶ CIP §20.146.140(C)(1)(d).

The 30 acres that comprise this parcel are all but unique in the Highlands. First of all, the land is pristine; it has never been developed. Partly because of the steepness of the slopes, there are no buildings and no roads anywhere within the parcel – which may explain why the biologist observed “less than 1% non-native species.” Whatever else one might say about this parcel, it should be recognized as an important biological resource – one that is entirely deserving of the protections embodied in its existing zoning classification.

6. Mitigation Measures Cannot Cure Violations of the CIP

The Initial Study discusses several mitigation measures, including a “building envelope,” that it claims are adequate to protect the endangered and threatened plant species that exist in the immediate area of the proposed construction site. However successful those measures might be in protecting individual plants, they do not overcome the provisions in the CIP and the policies set forth in the Carmel Area Land Use Plan (“CAR LUP”) that prohibit approval of this project in the first place. There are several such provisions in the CIP (and related policies in the CAR LUP) – all of which have been ignored.

The first such provision in the CIP is section 20.146.040(B)(1) which states:

Only small-scale development necessary to support resource-dependent uses may be located in environmentally sensitive habitat areas if they cannot be located elsewhere.⁷

This prohibition is not mentioned anywhere in the Initial Study. The proposed project at issue here is a personal residence. It is not a “resource-dependent use” and, even if it were, there is nothing in the Initial Study that addresses possible alternative sites for this project.

The second prohibition is in CIP section 20.146.040(C)(1)(d) which states:

Redwood forest and chaparral habitat on land exceeding 30 percent slope shall remain undisturbed due to potential erosion impacts and loss of visual amenities.

There is no discussion of this prohibition anywhere in the Initial Study. It, too, has been ignored.⁸

⁷ This reflects one of the general environmental policies adopted as part of the Land Use Plan. See CAR LUP section 2.3.3 (“Development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be avoided in critical and sensitive habitat areas . . .”).

⁸ The same language appears in the Land Use Plan. See CAR LUP section 2.3.4 (policy 10).

In addition, there is a third provision in the CIP that restricts construction on steep slopes. That provision is set forth in the “General Development Standard” section of the CIP. It states:

The following siting and design control measures shall be applied to new development to ensure protection of the Carmel areas’ scenic resources, including shoreline and ocean views:

a. Buildings located on slopes shall be sited on existing level areas and sufficiently set back from the frontal face. Development shall not be located on slopes of 30% or greater. The Director of Planning may grant a waiver to the standard upon applicant request and explanation of the request justification if:

- 1) there is no alternative which would allow development to occur on slopes of less than 30%; or,
- 2) the proposed development better achieves the resource protection objectives and policies of the Carmel Area Land Use Plan and development standards of this ordinance.

CIP §20.146.030(C)(1)(a).

By any measure, the 30 acres of undisturbed, native pine forest and maritime chaparral that this application proposes to rezone deserves a classification as “sensitive habitat.” At a minimum, the Initial Study needs to address the issue – rather than simply assume that the protections for such areas that are embodied in the CIP and the Land Use Plan can be overridden by a handful of mitigation measure such as the imposition of a building envelope and an associated easement on a small portion of immediately-adjacent land. (See Initial Study pp. 25-26 and 36).

The entire 30-acre parcel has enjoyed “resource conservation/scenic easement” protection for the past 30 years. Those protections should not be disturbed or set aside except for compelling reasons – none of which are described or discussed anywhere in the Initial Study.

7. The Proposed Rezoning is Contrary to the Land Use Plan – There is No “BSI Exception”

The 30 acres that are the subject of this application was one of six land parcels totaling 140 acres that were owned by the Behavioral Sciences Institute (“BSI”) at the time the Carmel Area Land Use Plan and the CIP were adopted.⁹ The Land Use Plan divided the BSI land into two

⁹ According to findings made by the Board of Supervisors at the time the Carmel Area Land Use Plan was adopted in 1983, BSI owned 6 parcels of land in the Carmel Highlands comprising a total of 140 acres. (Findings p. 16). 113 of those acres (“the upper steeper portion”) were designated as “Resource Conservation” and were to be protected from development (“the upper steeper portion shall remain in open space”). See. CAR LUP §4.4.3 E.6 and Findings p 16.

categories – 113 acres (the “upper steeper portion”) which was zoned as “Resource Conservation” and 27 acres (the “lower portion”) which was to be available for development of as many as 25 residential units.”¹⁰

All of this would be ancient history but for the fact that the project applicant apparently now claims that some portion of his property (all of which has slopes in excess of 30%) should not be treated as if it were part of the 113 acres that were designated as Resource Conservation land. See Initial Study p. 8. As described in the Initial Study, the applicant’s argument seems to be that some portion of his land is steeper than other portions and, therefore, the property should be rezoned so he can build on the lower, less steep slopes of his property. In support of this argument, the applicant also points out that fewer than 25 residential units have been built on the former BSI property. See Initial Study pp. 12, 34.

This is a non-sequitur. It is clear that the applicant’s property was part of the 113 acres of former BSI land that was to “remain in open space.” It was zoned “RC” in the 1980’s and has remained as such to this day.¹¹ No doubt, there are portions of the applicant’s land that are less steep than other portions, but the slope where he wants to build still exceeds 30% and, therefore, the project will still require a slope variance – even if the land were to be rezoned. Nothing has changed in the past 30 years to justify revisiting the decision to zone this property as RC land.

There is no “BSI exception” that allows zoning restrictions to be relaxed in violation of slope and setback restrictions contained in the SIP and the Land Use Plan. On page 35 of the Initial Study there is a cryptic reference to “a similar situation” that happened “on February 19, 1992. The Initial Study does not anywhere say what happened on that date. Nor does the Initial Study attempt to explain how that “situation” is relevant to this application.

If this “similar situation” is an oblique reference to the fact that APN 241-021-016 was rezoned in the early 1990’s to allow construction of a residence to be built on a portion of that land, the reliance on that decision as a basis for justifying the rezoning being proposed here is badly misplaced. While that parcel (APN 241-021-016) was undoubtedly part of the 113 acres of former BSI land that had been set aside as “open space,” the decision to rezone the property to “RC/D-SpTr” and provide “special treatment” for a portion of that parcel was, almost assuredly,

¹⁰ *Ibid.* The findings also state that the “lower portion of the property contains four residential units”. Policy 4.4.3 E.6 of the Land Use Plan states that “the upper steeper portion [of the BSI land] shall remain in open space” and that the 25 units that could be approved in the lower portion “may be used in conjunction with the [BSI] institutional use.”

¹¹ The two other parcels of former BSI land that comprise the 113 acres that were set aside were APN 241-021-016 (27 acres before it was subdivided in the 1990’s) and APN 241-011-009 (56.6 acres). The math is simple: $30+27+56.6 = 113.6$ acres.

due to the fact that there was a building site within the parcel which was not located in the public viewshed and was not on a 30 plus degree slope.¹²

Without knowing more about the alleged “similar situation” it is impossible to provide meaningful comments on its relationship, if any, to the present application. We can speculate (as we have in the preceding paragraph) but that is not the way this process should work. What is clear – from personal observation of the actual site conditions for each of the residences that exist on the two other former BSI parcels that were initially given RC zoning (APN 241-021-016 and APN 241-011-009) – is that each of the structures built on those parcels was located on a site that did not require a slope or setback variance. Thus, the zoning changes that made it possible for those structures to be built cannot fairly be cited as a precedent for a relaxation or change in the zoning for parcel APN 241-021-007.

The conclusion reached in the Initial Study that “rezoning the property to allow for residential development appears to be consistent with development policies of the CAR LUP” (Initial Study p. 35) is false. In fact, the exact opposite is true.

Conclusion

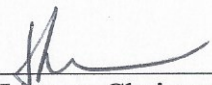
Thank you for the opportunity to review and comment on the proposed Mitigated Negative Declaration for this project and for the time that you have taken to explain aspects of the proposed project to member of our group.

Unfortunately, we find nothing in the Initial Study or in any of the documents it cites that would justify a decision to rezone a significant parcel of very steep, environmentally sensitive land that has been untouched for the 30 years the current zoning has been in effect (and likely for a century or more before) in order to allow the construction of a residence that will require additional slope and setback variances – even if the zoning were to be changed.

¹² See Draft Findings of the Monterey County LCP Periodic Review, December 2003 p. 102. One of the historic documents that we have requested but have yet to obtain are the Planning Department files on the rezoning of APN 241-021-016. See Exhibit B. We have also requested access to the Coastal Commission files on the same rezoning decision (Coastal Permit 94163).

In our view, the proposed change in the zoning for this parcel violates specific provisions and policies of the Carmel Area Land Use Plan and the Monterey County Coastal Implementation Plan and would set a dangerous precedent for future development on steep slopes throughout the Carmel Highlands. We respectfully request that the Application (PLN130339) be denied.

Respectfully submitted,



Tracy Leaton, Chairperson

CITIZENS FOR RESPONSIBLE DEVELOPMENT
OF THE CARMEL HIGHLANDS

For additional information

Contact: Gary L Fontana, ESQ

Telephone: 831-204-8215

Email: gary@garyfontana.com

EXHIBIT A

CARMEL HIGHLANDS RESIDENTS AND HOMEOWNERS WHO JOIN IN THE
COMMENTS EXPRESSED IN THIS LETTER

Tracy Leaton
Dr. Michael Leaton
58 Mount Devon Road
Carmel Highlands, CA

Marc Davidian
Kelly Davidian
46 Mount Devon Road
Carmel Highlands, CA

John Borelli
Ann Marie Borelli
43 Mount Devon Road
Carmel Highlands, CA

Ken Uffenheimer
Lynda Uffenheimer
35 Mount Devon Road
Carmel Highlands, CA

Frank Raab
Susan Raab
31 Mount Devon Road
Carmel Highlands, CA

Jim King
Dolores King
34 Mount Devon Road
Carmel Highlands, CA

Mumtaz Tabbba
Rahaf Tabbba
32 Mount Devon Road
Carmel Highlands, CA

Craig Descalzi
Audra Descalzi
85 Mount Devon Road
Carmel Highlands, CA

Ronny Proler
Shauna Proler
86 Mount Devon Road
Carmel Highlands, CA

Jerry Lauch
Joan Lauch
225 Mount Devon Road
Carmel Highlands, CA

Stephen Knovick
Nicole Knovick
14 Mount Devon Road
Carmel Highlands, CA

Paul Reps
131 Cypress
Carmel Highlands, CA

Rob Galloway
Pam Galloway
133 Cypress
Carmel Highlands, CA

Lynne Semeria
30776 San Remo
Carmel Highlands, CA

Jim Rossin
Marolyn Rossin
1699 Van Ess Way
Carmel Highlands, CA

Charlotte Hallum
135 Boyd Way
Carmel Highlands, CA

Peter Wolf
Edith Lord Wolf
219 Peter Pan Road
Carmel Highlands, CA

Suzanne Weber
145 Boyd Way, Carmel Highlands, CA

EXHIBIT B

LIST OF UNAVAILABLE DOCUMENTS

We believe that the following historical documents which are cited in the Initial Study or are related to issues that have been identified in the study are important to an understanding of earlier planning and zoning decisions. We have made written requests for access to these documents from the Resource Management Agency and the Coastal Commission. We review these documents and present comments based on them as soon as practicable.

1. Monterey County Coastal Permit 94163 (3-MCO-95-005)
2. Monterey County Coastal Permit MS94009 (3-MCO-95-004)
3. Monterey County Coastal Permit PLN 990150 (3-MCO-01-650)
4. Planning decision February 19, 1992 referred to in Initial Study at p 35
5. Coastal Permit (described as "issued to Bechtolsheim") for what appears to be f

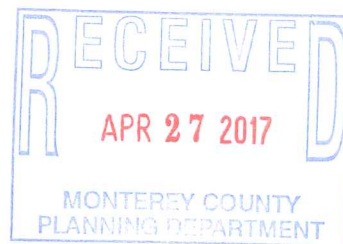
Quenga, Anna V. x5175

From: Trout Wilson <profbw@hotmail.com>
Sent: Thursday, April 27, 2017 4:28 PM
To: Quenga, Anna V. x5175
Subject: PLN 130339-Collins-
Attachments: Brian Wilson Statement to Citizens Committee.docx

VIA Email and US Mail

April 27, 2017

County of Monterey
Resource Management Agency-Planning
Attn: Anna V. Quenga, Associate Planner
168 West Alisal, 2nd Floor
Salinas, CA 93901



Re: PLN 130339-Collins-Comments on Initial Study and Proposed Mitigated Negative Declaration

Ms. Quenga

I will like for my name to be joined with other homeowners in the Citizens for Responsible Development of the Carmel Highlands document recently sent to the Resource Management Agency of Monterey County. I am concerned over the proposed rezoning and particularly the steep slope issues associated with development of 83 Mt. Devon Road, Carmel Highlands.

I am a homeowner at 123 Fern Canyon Road who has lived through two landslides from a home at 75 Mt. Devon Road. The building of that home required substantial grading and the alteration of drainage patterns. That work was not done sufficiently. During heavy rains the loose soil for the site resulted in two massive mudslides from the 30 percent slope down into my running creek. The massive slides were enough to plug the creek. The creek was diverted into my home, depositing five feet of mud in my living room, and tearing off a bedroom next to the living room. It has taken me many years to recover financially from this tragic disaster. Recovering psychologically from seeing part of one's home severely damaged and disappeared along with valuable contents is quite another issue. Needless to say, I hope to never experience such a traumatic event, especially since wise decisions can be made to avert such disaster. A Monterey County court ruled that the homeowner was liable and the homeowner was instructed to regrade and install a rock cage drainage barrier down into the canyon at the site of the larger slide, hoping to possibly prevent another slide in that area, although it is assumed that slides can occur in any area in the future when dealing with a 30 percent slope. I would emphasize that although this was done, the mitigation took place **after the disaster, and** I was left with the expense and difficult rebuilding issues.

I hope my experience will serve as a cautionary message in order to spare other homeowners the anguish of living through a similar disaster. I am available to provide additional information as needed.

Brian Wilson
123 Fern Canyon Road
Carmel Highlands
profbw@hotmail.com

Gwyn De Amaral
77 Corona
Carmel Ca 93923

Resource Management Agency
Att: Anna V Quenga, Associate Planner
168 West Alisal , 2 nd Floor
Salinas, Ca 93901

PLN 130339

April 28, 2017

Ms. Quenga,

I strongly oppose the illegal proposed project at 83 Mount Devon Road (APN 241-021-007-000). The current parcel usage was unanimously approved by the entire Board of Monterey County Supervisors on February 28, 1967 as a **Conservation and Scenic Easement**, and recorded with a **Conservation and Scenic Easement Deed** that dates back to March 3, 1967. (Please see document) The Applicant was also made aware of these conditions by me, shortly after the purchase of the property. The filed deed is quite specific as to the restrictions and the Public Access to the property. The project proposal violates all conditions of the recorded Deed.

The parcel was a gift to the Monterey County Foundation for Conservation (a non -profit corporation) in memory of my father, Major. Frank De Amaral , who was killed in the Vietnam War while serving in the United States Army in 1965. Major Frank De Amaral grew up in Carmel Highlands and as a child rode his horse on this acreage. The purpose of this Conservation and Scenic Easement was the binding protection to preserve the natural scenic beauty and existing openness. Can I expect Monterey County to uphold this?

I would like to schedule an appointment with you personally to discuss this material in detail. Please contact me at you earliest possibility. (831 -238 5646)

Thank you,
Gwyn De Amaral

Carmel Highlands

CC Congressman 20 th District Jimmy Panetta
Monterey County Supervisor, District 5 Mary Adams
Monterey County Supervisor, District 1 Luis Alejo
Monterey County Supervisor, District 2 John M Phillips
Monterey County Supervisor, District 3 Simon Salinas
Monterey County Supervisor, District 4 Jane Parker
Monterey County Military Affairs - 1000 S Main St # 107, Salinas, CA 93901
Carl Holm, Acting Director Monterey County Resource Management



Gwyn De Amaral
77 Corona
Carmel Ca 93923

Resource Management Agency
Att: Anna V Quenga, Associate Planner
168 West Alisal, 2 nd Floor
Salinas, Ca 93901

PLN 130339

April 28, 2017

Ms. Quenga,

I strongly oppose the illegal proposed project at 83 Mount Devon Road (APN 241-021-007-000). The current parcel usage was unanimously approved by the entire Board of Monterey County Supervisors on February 28, 1967 as a **Conservation and Scenic Easement**, and recorded with a **Conservation and Scenic Easement Deed** that dates back to March 3, 1967. (Please see document) The Applicant was also made aware of these conditions by me, shortly after the purchase of the property. The filed deed is quite specific as to the restrictions and the Public Access to the property. The project proposal violates all conditions of the recorded Deed.

The parcel was a gift to the Monterey County Foundation for Conservation (a non -profit corporation) in memory of my father, Major. Frank De Amaral, who was killed in the Vietnam War while serving in the United States Army in 1965. Major Frank De Amaral grew up in Carmel Highlands and as a child rode his horse on this acreage. The purpose of this Conservation and Scenic Easement was the binding protection to preserve the natural scenic beauty and existing openness. Can I expect Monterey County to uphold this?

I would like to schedule an appointment with you personally to discuss this material in detail. Please contact me at your earliest possibility. (831 -238 5646)

Thank you,
Gwyn De Amaral

Carmel Highlands



CC Congressman 20 th District Jimmy Panetta
Monterey County Supervisor, District 5 Mary Adams
Monterey County Supervisor, District 1 Luis Alejo
Monterey County Supervisor, District 2 John M Phillips
Monterey County Supervisor, District 3 Simon Salinas
Monterey County Supervisor, District 4 Jane Parker
Monterey County Military Affairs - 1000 S Main St # 107, Salinas, CA 93901
Carl Holm, Acting Director Monterey County Resource Management

Vietnam Veterans of California



Fax Cover Sheet

Date 4/28/17Number of pages 1 (including cover page)

To:

Name Resource Mgt Agency
ANNA V. Queng

Company _____

Telephone 831 755-5025Fax (831) 757 9516

From:

Name Alum De Omaral

Company _____

Telephone 831 238 5646Comments Please see Conservation & Scenic Easement Deed for the
Major Frank De Omaral Memorial Reserve. PIN 136339
Please confirm receipt to - Califwayoflife@aol.com

7 90363 00711 1

Fax - Local Send



7 90363 00714 2

Fax - Domestic Send



7 90363 00720 3

Fax - International Send

fedex.com 1.800.GoFedEx 1.800.463.3339

G 38428 495 PAGE 586

RECORDED AT REQUEST OF

COUNTY OF MONTEREY

MAR 3 8 57 AM '67

CONSERVATION AND SCENIC EASEMENT DEEDCOUNTY OF MONTEREY
SALINAS, CALIFORNIA

REEL 495 PAGE 586

THIS DEED made this 24th day of February, 1967,

by and between the MONTEREY COUNTY FOUNDATION FOR CONSERVATION, a non-profit corporation, as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, as Grantee.

W I T N E S S E T H:

WHEREAS, the said Grantor is the owner in fee of the real property hereinafter described, situate in the County of Monterey, State of California; and

WHEREAS, the said land of said Grantor has certain natural scenic beauty and existing openness; and

WHEREAS, the Board of Supervisors of the County of Monterey has recognized said natural beauty and existing openness and has suggested that Grantor preserve the same for the public benefit, and, therefore, Grantor and Grantee desire to preserve and conserve for the public benefit the natural condition and present state of use; and

WHEREAS, the said Grantor is willing to grant to the County of Monterey the scenic use as hereinafter expressed of the said land, and thereby protect, maintain, and enhance the present scenic beauty and existing openness by the restricted use and enjoyment of said property by the Grantor because of the imposition of the conditions hereinafter expressed.

NOW, THEREFORE, for and in consideration of the premises, the Grantor does hereby grant and convey unto the COUNTY OF MONTEREY an estate, interest and conservation and scenic easement in the real property described in Exhibit A, which is attached hereto and made a part hereof, of the nature and character and to the extent

REEL 493 PAGE 587

hereinafter expressed, to be and to constitute a servitude upon said real estate of the Grantor, which estate, interest, easement and servitude will result from the restrictions hereby imposed upon the use of said property by said Grantor, and to that end and for the purpose of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns with the said Grantee, its successors or assigns, to do and refrain from doing severally and collectively upon the Grantor's said property the various acts hereinafter mentioned.

Grantor reserves the right to make full use of said real property subject to the provisions of this scenic easement for all purposes which do not interfere with, impair, destroy, or detract from the scenic values preserved and conserved by this scenic easement, and Grantor specifically reserves the right to maintain and repair any facility which Grantor has heretofor constructed on said real property.

The restrictions hereby imposed upon the use of said property of the Grantor and the acts which said Grantor shall refrain from doing upon their said property in connection therewith are, and shall be, as follows:

1. That no structures of any kind will be placed or erected upon said described premises, except structures, lines and other facilities necessary to maintain a water, drainage or sewer system, utilities consisting of telephone, power, and cable television lines, utility roads necessary to serve same, under, on or over said land, bridges, fences, and other structures reasonably necessary and incidental to the construction, maintenance, and operation of an undeveloped scenic area, including but not limited to roads, riding and hiking trails, fireplaces and picnic areas.

2. That no advertising of any kind or nature shall be located on or within said property except that which may be located on said premises at the time of the execution of this deed.

3. That except for the construction, alteration, relocation and maintenance of roads and riding and hiking trails, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made, except to prevent erosion or damage to the land.

4. Grantor reserves the right to enter upon the real property described in Exhibit A and to bring upon the land all necessary equipment and persons reasonably necessary to fire control, to construct fire roads and other improvements for the purpose of fire protection, and to take any actions reasonably necessary for fire protection; Grantor further reserves the right to enter upon the property and engage in fire prevention and brush control practices.

5. That no use of said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered.

6. If at any time the property herein described, or any portion thereof, shall be selected for condemnation by any public utility or any public agency, including the Grantee, then and in that event this conveyance, insofar as it affects the property to be condemned, shall become null and void. Selection of said property shall be determined upon the filing of any action for taking or condemnation of said property, or any portion thereof, in a Court of competent jurisdiction. Upon the filing of any such action, this

REEL 495 PAGE 590

conveyance, insofar as it affects the property so selected for condemnation, shall immediately cease and determine and revert to and vest in the Grantor, its successors in interest, or assigns; the intent of this clause being that in the event of condemnation of the subject property, or any portion thereof, Grantor, or its successors in interest or assigns, are to be compensated in accordance with the market value of said property, said market value to be determined by the highest and best use of said property without reference to this conveyance.

7. In the event that the State of California, or any political subdivision thereof, should pass legislation pursuant to Article XXVIII of the Constitution of the State of California, or should pass legislation such as the California Land Conservation Act of 1965, or other legislation for the purpose of restricting the use of real property to conserve and maintain natural scenic beauty, open space lands, natural resources and agricultural land for plant and animal production, which said legislation shall restrict, or would by agreement of Grantor or its successors in interest restrict, the use of said property for scenic and recreational uses or for the use of natural resources or for the production of food and fiber, the Grantor, or its successors in interest, shall have the option to have the property described in Exhibit A, or a portion thereof, subjected to the restrictions created by such legislation, free from the restrictions imposed by this conveyance. Should Grantor, or its successors in interest, desire to exercise the option to restrict the use of a portion of or all of said real property pursuant to such legislation, Grantor, or its successors in interest, shall give written notice to Grantee of the exercise of said option.

REEL 495 PAGE 590

Upon the giving of such notice, this conveyance, as to the portion of the property subjected to such legislation or which will be subject to such legislation by the agreement of Grantor, or its successors in interest, shall immediately cease and determine and revert to and vest in the Grantor, or its successors in title, upon becoming subject to such legislation; the intent of this clause being that in the event that the subject property, or a portion thereof, shall become restricted pursuant to such legislation, that the restrictions placed upon Grantor, or its successors in title, on said real property shall become null and void and of no further force and effect.

To have and to hold unto the said County of Monterey, its successors and assigns forever. This grant shall be binding upon the heirs and assigns of the said Grantor and shall constitute a servitude upon the property described in Exhibit A hereto. The parties, or their successors in interest, however, reserve the right to modify, upon terms mutually satisfactory, the provisions of this agreement and Grantee shall have the right to reconvey to Grantor, or its successors in interest, the interest herein granted in whole or in part.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day and year first hereinabove written.

MONTEREY COUNTY FOUNDATION FOR CONSERVATION

BY


President

BY


Secretary

"Grantor"

COUNTY OF MONTEREY

BY


Chairman of the Board of Supervisors

"Grantee"



REEL 495 PAGE 591

STATE OF CALIFORNIA

Monterey

County of

ss

On this 24th day of February in the year one thousand nine hundred and sixty-seven

before me, Peter T. Hoss a Notary Public in and for the

County of Monterey

State of California, residing therein,

duly commissioned and sworn, personally appeared Dudley Swim and

Bayford O. Butler

known to me to be the President and Secretary

of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the

County of Monterey the day and year in this certificate first above written.

Notary Public in and for the County of Monterey State of California.

My Commission Expires

CORPORATION

ATTORNEYS PRINTING SUPPLY FORM NO. 7

STATE OF CALIFORNIA

ss

COUNTY OF MONTEREY

On this 28th day of February, 1967, before me, EMMET G. McMENAMIN, County Clerk in and for said County and State, personally appeared Warren Church known to me to be the Chairman of the Board of Supervisors of the County of Monterey and known to me to be the person who executed the within instrument on behalf of said public corporation, agency or political subdivision, and acknowledged to me that said political subdivision executed the same.

EMMET G. McMENAMIN, Clerk

By Decca H. Feiring
Deputy

REEL 495 PAGE 592.

EXHIBIT "A"

All that certain real property situate in the County of Monterey, State of California, to-wit:

BEING portions of the lands generally known as "Carmel Highlands Property" (reference being made to "Map of a part of Carmel Highlands Property, showing survey lines of a part of Rancho San Jose Y Sur Chiquito, Monterey Co., Calif.," recorded May 15, 1918 in Volume 1 of Surveys, page 93, in the office of the Recorder of Monterey County, California, and to "Map No. 3 of a part of Carmel Highlands Property, showing survey lines of a part of Rancho San Jose Y Sur Chiquito, Monterey County, California", recorded May 2nd, 1925 in Volume 3 of Surveys, page 103, in the office of the Recorder of Monterey County, California), described as follows:

PARCEL 1:

BEGINNING at a point in the Easterly line of that tract of land, conveyed by Carmel Development Company, a corporation, to Margaret H. Kilpatrick by deed dated November 21, 1927 and recorded January 30, 1928 in Volume 137 Official Records at Page 434, Monterey County Records, at point from which Station K-39 bears North 6° 33' East, 1032.33 feet; thence from said point of beginning running

S. 6° 33' E., 29.67 feet to a station, thence

S. 58° 53' W., 115.82 feet to a station, thence

S. 22° 18' W., 174.19 feet to a station, thence

S. 32° 52½' W., 128.31 feet to a station, thence

S. 12° 28' W., 198.36 feet to a station, thence

S. 34° 50' W., 91.11 feet to a station, thence

S. 62° 11' W., 190.12 feet to a station, thence

S. 1° 59' W., 73.92 feet to a station, thence

S. 54° 48' W., 173.06 feet to the northernmost corner of that certain tract of land conveyed to William Charles Butcher, and Marietta Search Butcher, his wife, dated March 29, 1923 and recorded April 11, 1923 in Volume 16 Official Records of Monterey County, Page 12, thence following the northwesterly line of said Butcher property,

S. 61° 30' W., 96.95 feet,

S. 54° 36' W., 57.62 feet, and

S. 48° 57' W., 200.63 feet to Station in road; thence

N. 12° 38' W., 153.80 feet, thence

N. 6° 50' E., 199.48 feet to the southeasterly corner of that certain tract of land conveyed to Preston W. Search, by Deed dated May 26, 1927 and recorded August 23, 1927 in Volume 124 Official Records, Monterey County, Page 59, thence following the boundary of the said Search property.

N. 28° 24' W., 84.03 feet,

N. 33° 21' E., 78.05 feet,

N. 63° 21' W., 137.00 feet, and

N. 33° 49' W., 87.15 feet to the most Northerly corner of said Search property, thence

REEL 495 PAGE 593

N. 35° 33' E., 98.57 feet to the southeasterly corner of that certain tract of land conveyed to Claire M. Puffer, by Deed dated August 12, 1923 and recorded August 28, 1923 in Volume 21 of Official Records, Monterey County, Page 452, thence N. 41° 48' E., 146.09 feet, thence

N. 9° 56' E., 86.40 feet, thence

N. 11° 12' E., 149.73 feet, thence

N. 82° 31' E., 80.99 feet, thence

N. 15° 12' E., 54.72 feet, thence

N. 63° 02' E., 77.20 feet, thence

N. 3° 55' E., 92.10 feet, thence

N. 37° 11' E., 70.22 feet, thence

N. 86° 27' E., 127.90 feet, thence

N. 32° 34' E., 211.36 feet to a Station R-16, as shown on said Map No. 3 thence

N. 60° 08' E., 199.76 feet to Station T-21, thence along the

T-Survey

N. 73° 11' E., 214.79 feet to Station T-20; thence

N. 83° 29' E., 92.72 feet to Station T-19; thence

N. 44° 52' E., 43.13 feet to Station T-18; thence

S. 87° 45' E., to a point on the East line of said tract conveyed to Margaret H. Kilpatrick by deed recorded in Volume 137 Official Records at Page 434 above referred to and from which point said Station K-39 bears N. 6° 33' E., thence along the said East line S. 6° 33' W., to the point of beginning.

Subject to the right of way for road purposes as reserved in the deed from Carmel Development Company, a corporation, to Margaret H. Kilpatrick dated November 21, 1927 and recorded January 30, 1928 in Volume 137 Official Records at Page 434, Monterey County Records.

PARCEL 2:

BEGINNING at the most southerly corner of that certain tract of land conveyed to Preston W. Search, by the Carmel Development Company, a corporation, by deed dated May 26, 1927 and recorded August 23, 1927 in Volume 124 of Official Records, Monterey County, California, at Page 59; running thence S. 0° 55' E., 128.77 feet; thence S. 19° 04' E., 226.73 feet; thence N. 87° 25' E., 58.14 feet; thence N. 11° 34' W., 71.70 feet; thence N. 12° 38' W., 153.80 feet; thence N. 6° 50' E., 199.48 feet; thence S. 55° 52' W., 141.26 feet; to the point of beginning.

SUBJECT to right of way for road purposes over strips of land 12½ feet wide adjoining the Easterly and Westerly sides of said land which were reserved for road purposes in deed from Carmel Development Company to Margaret H. Kilpatrick, recorded in Volume 139 Official Records, at Page 279, Monterey County Records.

REEL 495 PAGE 594

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution No. 67-73 --)
Conservation and Scenic Easement Deed)
(Monterey County Foundation for)
Conservation) Accepted; Chairman)
Authorized to Execute Deed)

BE IT RESOLVED that the deed dated February 24,
1967, executed by Monterey County Foundation for Con-
servation, as Grantor, is hereby accepted and the
Chairman is hereby authorized to execute said Deed.

BE IT FURTHER RESOLVED that this Deed is accepted
with the understanding that the area described therein
will not be used for credit as open space for an
adjoining development.

PASSED AND ADOPTED this 28th day of February,
1967, upon motion of Supervisor Hudson, seconded by
Supervisor Atteridge, and carried by the following vote,
to-wit:

AYES: Supervisors Church, Atteridge, Wood,
Anderson and Hudson.

NOES: None.

ABSENT: None.

COUNTY OF MONTEREY, } ss.
STATE OF CALIFORNIA.

I, EMMET G. McMENAMIN, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Mon-
terey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said
Board of Supervisors duly made and entered in the minutes thereof at page..... of Minute Book...21..... on the
28th day of February, 1967, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 28th day of February, 1967.



EMMET G. McMENAMIN,
County Clerk and ex-officio Clerk of the Board
of Supervisors, County of Monterey, State of
California.

By Elizabeth S. Suran
Deputy.

"END OF DOCUMENT"

From: Zane De Amaral [zanedeamaral@hotmail.com]
Sent: Friday, April 28, 2017 10:11 AM
To: ceqacomments
Cc: Meghan De Amaral; Madi De Amaral; M'Liz De Amaral; Gwyn De Amaral
Subject: Fw: Proposed change of Conservation & Scenic Deed from 1967 [83 Mount Devon Road (APN 241-021-007-000)]
Attachments: MAJ Frank De Amaral Preserve Mem Plaque 2.jpg

Dear Ms. Quenga,

I was just made aware of efforts to destroy the perpetual preserve set aside in 1966, by the D'Ambrogio family in memory of the father MAJ Charles (Frank) Francis De Amaral, Jr., after he was killed in Vietnam in 1965. (Vicinity of 83 Mount Devon Road, Carmel Highlands, CA.)

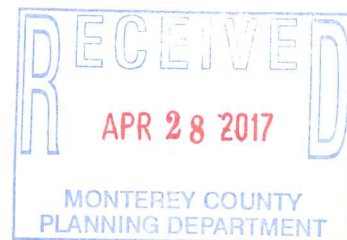
The site itself is especially meaningful as the De Amaral family had lived in what later became The Carmel Highlands for many generations - beginning with our Great Grandfather the late Jacinto De Amaral. These actions to change the land usage are illegal and certainly unethical. As one of Major Frank De Amaral's sons, and a Veteran myself, I am absolutely opposed to this effort. Now that all better understand the genesis of this land grant by the D'Ambrogio family, I trust that this scheme will stop and matters be formally clarified to avoid future problems. Your assistance in quickly correcting this situation is much appreciated.

NOTE - attached is an old family photo of the original plaque that I have kept in my bible for more than 30 years. It was given to me by my late cousin, George De Amaral (he himself was a WWII and Korean War Veteran).

Sincerely,
Zane De Amaral

Sent from my iPad

Begin forwarded message:



From: Moi <califwayoflife@aol.com>
Date: April 28, 2017 at 10:23:34 AM CDT
To: Zane De Amaral <zane.deamaral@gmail.com>
Cc: Meghan De Amaral <meghdeamaral@gmail.com>
Subject: Fwd: Proposed change of Conservation & Scenic Deed from 1967

Deadline is today
Send email to
CEQAcomments@co.monterey.ca.us US

Subject: Fwd: Proposed change of Conservation & Scenic Deed from 1967

Moi

Begin forwarded message:

From: califwayoflife@aol.com
Date: April 27, 2017 at 11:44:33 PM PDT
To: califwayoflife@aol.com
Subject: Proposed change of Conservation & Scenic Deed from 1967

Amaral	Gwyn De
Road	77 Corona
93923	Carmel Ca

Resource Management Agency
Att: Anna V Quenga, Associate Planner
168 West Alisal , 2 nd Floor
Salinas , Ca 93901

April 28,2017

Ms. Quenga,

I Strongly oppose the illegal proposed project at 83 Mount Devon Road (APN 241-021-007-000) . The current parcel usage was unanimously approved by the entire Board of Monterey County Supervisors on February 28,1967 as a **Conservation and Scenic Easement**, and recorded with a **Conservation and Scenic Easement Deed** that dates back to March 3, 1967. (Please see document) . The Applicant was also made aware of these conditions by myself, shortly after the purchase of the property . The filed deed is quite specific as to the restrictions and the Public Access to the property . The project proposal violates all conditions of the recorded Deed .

The parcel was a gift to the Monterey County Foundation For Conservation (a non -profit corporation) in memory of my father , Major. Frank De Amaral ,who was killed in the Vietnam War while serving in the United States Army in 1965. Major Frank De Amaral grew up in Carmel Highlands and as a child rode his horse on this acreage . The purpose of this Conservation and Scenic Easement was the binding protection to preserve the natural scenic beauty and existing openness. Can I expect Monterey County to uphold this ?

I would like to schedule an appointment with you personally to discuss this material in detail . Please contact me at you earliest possibility . (831 -238 5646)

Thank you ,
Gwyn De Amaral
Carmel Highlands

CC Congressman 20 th District Jimmy Panetta
Monterey County Supervisors ,District 5 Mary Adams
Monterey County Supervisor, District 1 Luis Alejo
Monterey County Supervisor ,District 2 John M Phillips
Monterey County Supervisor, District 3 Simon Salinas
Monterey County Supervisor ,District 4 Jane Parker
Mayor Steve Dallas, Carmel Ca
Monterey County Military Affairs - 1000 S Main St # 107,
Salinas, CA 93901
Carl Holm, Acting Director Monterey County Resource
Management

MAJOR FRANK DE AMARAL MEMORIAL PRESERVE

THIS PINE FOREST PRESERVE WAS PRESENTED TO THE
MONTEREY COUNTY FOUNDATION FOR CONSERVATION
ON DECEMBER 13, 1966 BY N. J. D'AMBROGIO AS A
PERPETUAL MEMORIAL TO MAJOR FRANK DE AMARAL
OF THE UNITED STATES ARMY WHO DIED IN COMBAT
IN VIETNAM ON OCTOBER 3, 1965.

From: Meghan De Amaral [meghdeamaral@gmail.com]
Sent: Friday, April 28, 2017 11:44 AM
To: ceqacomment
Cc: Gwyn De Amaral; Zane De Amaral; Madi De amaral; MLiz De Amaral
Subject: Proposed change of Conservation & Scenic Deed from 1967

Ms. Quenga/To Whom it may Concern,

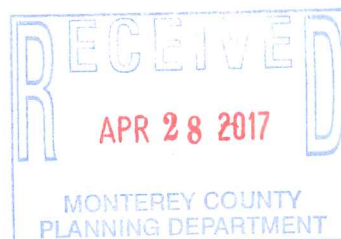
I am writing in regards to the illegally proposed project at 83 Mount Devon Road (APN 241-021-007-000), against which I am vehemently opposed. As you have been made aware, the current parcel usage was **unanimously** approved by the entire Board of Monterey County Supervisors on February 28, 1967 as a **Conservation and Scenic Easement** and recorded with a **Conservation and Scenic Easement Deed** that dates back to March 3, 1967. I believe my uncle, Gwyn De Amaral, has sent the appropriate documentation. The Applicant was also made aware of these conditions by Gwyn De Amaral shortly after the purchase of the property. The filed deed has specific restrictions regarding use and Public Access to the property, and the project proposal *violates all conditions* of the recorded Deed.

The parcel was a gift to the Monterey County Foundation For Conservation (a non-profit corporation) in memory of my grandfather, Major. Frank De Amaral, who was killed in the Vietnam War while serving in the United States Army in 1965. Major Frank De Amaral grew up in the Carmel Highlands and as a child rode his horse on this acreage. The purpose of this Conservation and Scenic Easement was a binding protection to preserve the natural scenic beauty and existing openness -- an intent with which your proposal directly and intentionally conflicts.

My grandfather's military service also inspired that of my father, and having grown up in a military family, I have a loose sense of the word "home," of the places I have been, only Carmel has a piece of my family history -- generations' worth. While I never had the opportunity to meet my grandfather, his dedication and service to both the Monterey County community and our nation is meritorious of respect to the place he called home. To say I am appalled that such a proposal has been submitted is an understatement. I trust that you will evaluate the implications of such a proposal, and I look forward to a swift resolution based on a reconsideration and/or relocation of the project.

Respectfully,

Meghan De Amaral



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