

# Exhibit C



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**From:** [marahookca@gmail.com](mailto:marahookca@gmail.com)  
**To:** [cegacomments](#)  
**Cc:** ["Steven Polkow"](#); ["Mara Hook"](#)  
**Subject:** Comments on Reynolds Jon Q File Number PLN210331  
**Date:** Monday, April 14, 2025 9:31:37 AM  
**Attachments:** [Reynolds Committee Letter 2025.docx](#)

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Dear Joseph,

Please confirm receipt of our comments.

Many thanks,

Mara and Steve



April 14, 2025

County of Monterey  
Housing and Community Development  
Attn: Joseph Alameda, Associate Planner  
1441 Schilling Place  
South 2<sup>nd</sup> Floor  
Salinas, CA 93901

Dear Planning Commission,

We are writing this letter as good neighbors and citizens of Carmel. We are fourth generation Carmelites. We live here full-time as members of the community, and like you have a deep appreciation for maintaining strong neighborly relations and mutual benefit.

We have been notified that the project Reynolds Jon Q Tt Et Al: File Number PLN210331 is up for review by the commission. While we are sad to see yet another ADU pop up on Scenic Drive creating less and less available natural space, we do understand that under the current regulations we don't have standing related to the project or its vicinity to our home, which is directly behind the proposed project. However, if the project is to move forward, we would like to make a request that the placement of Mr. Reynolds ADU be shifted toward his main home as was originally planned. Currently, the project looks directly into our bathroom and master bedroom. While we understand there are no windows proposed on the back side of Mr. Reynolds project, we feel very uncomfortable that workers and tenants coming in and out of the home are too close for comfort and will likely disrupt our private space.

Please consider our modest request. We would be grateful.

Steven Polkow and Mara Hook  
26478 Carmelo Street  
Carmel, CA 93923  
polkowsteve@comcast.net



**From:** [Molly Erickson](#)  
**To:** [Spencer, Craig](#); [Beretti, Melanie](#); [ceqacomment](#)  
**Cc:** [katie.butler@coastal.ca.gov](mailto:katie.butler@coastal.ca.gov); [Kevin Kahn](#)  
**Subject:** PLN210331 Reynolds Jon Q Tr -- Carmel Point project  
**Date:** Friday, May 2, 2025 4:56:22 PM  
**Attachments:** [Map.showing.1286.cranium.pdf](#)  
[Att.Polkow.PLN080266.human.cranium.pdf](#)  
[20.07.OCEN.ltr.re.four.sets.remains.pdf](#)

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County:

I represent The Open Monterey Project (TOMP) which makes these comments on the initial study and proposed MND.

The proposed project is immediately adjacent to where a human cranium was found behind a retaining wall; the cranium was a Native American person. See the attached 2010 County staff report and attached map taken from public records disclosed by the County. In fact, the proposed PLN210331 ADU appears to be immediately adjacent to the retaining wall behind which the cranium was discovered.

The proposed project also is on the same small block where in 2019 four sets of remains of Native Americans were uncovered by landscapers doing work at a site with a developed house. That landscaping work that did not have the benefit of a County permit or conditions, and did not have any oversight by a tribal monitor and an archaeological monitor. The attached letter by the OCEN tribal chair provides further information. Numerous other Native American remains are known to have been found on Carmel Point, which is why the Carmel Area Land Use Plan has overriding policies to protect the resources in place, without disturbance.

The initial study fails to present the important LUP policies that protect tribal cultural resources. The critical policies are omitted. As a result the analysis in the initial study is inadequate.

In recent years, the County planning staff presented to the Planning Commission a lengthy two-part presentation on Carmel Point tribal cultural resources and the inadequacy of County actions to date to protect the resources as required by the LUP. As the then planning director Jacqueline Onciano said to the Planning Commission: "By the time the backhoe hits a femur, it is too late." The PLN210331 initial study makes no mention of -- and appears ignorant of -- the lengthy presentation and the Commission's discussions of these important issues, and of the cranium at the immediately adjacent site, and the four sets of remains. The critical on-



the-ground facts are omitted from the initial study and as a result the factual analysis is inadequate.

The initial study should be revised and recirculated for public comment. Only then can the mitigations be considered for adequacy.

According to the initial study, all that has been done for this project is mere auger testing and a "summary of previous findings" presumably from the written reports. That is overly limited and narrow. It does not reflect the information available to the County and to archaeologists. In particular here the "auger testing was conducted within the footprint of the Project" only. This is a frequent error in testing which results in far fewer below-ground resources being identified and protected. The projects at Carmel Point typically involve excavating to the property line or very near to it (at least in part because of sandy soils), even when the building footprint does not extend to that point.

A robust analysis of the site and surrounding area should be performed and a robust set of mitigations should be in place if the project is approved. The mitigations should be meaningful and enforceable. The County is urged to review the thoughtful analysis of the California Coastal Commission as to the Carmel Area LUP policies when in 2020 the Commission considered the three Pietro projects on Carmel Point.

Removal of dirt is easily done by shovels and other tools that are not "machines" as demonstrated by the landscapers' exposure of four sets of human remains nearby. A tribal observer and archaeological monitor should be in place at all times when soil is being moved. That means broader oversight than the proposed inadequate mitigation MM TR-1 for "initial project-related grading and excavation."

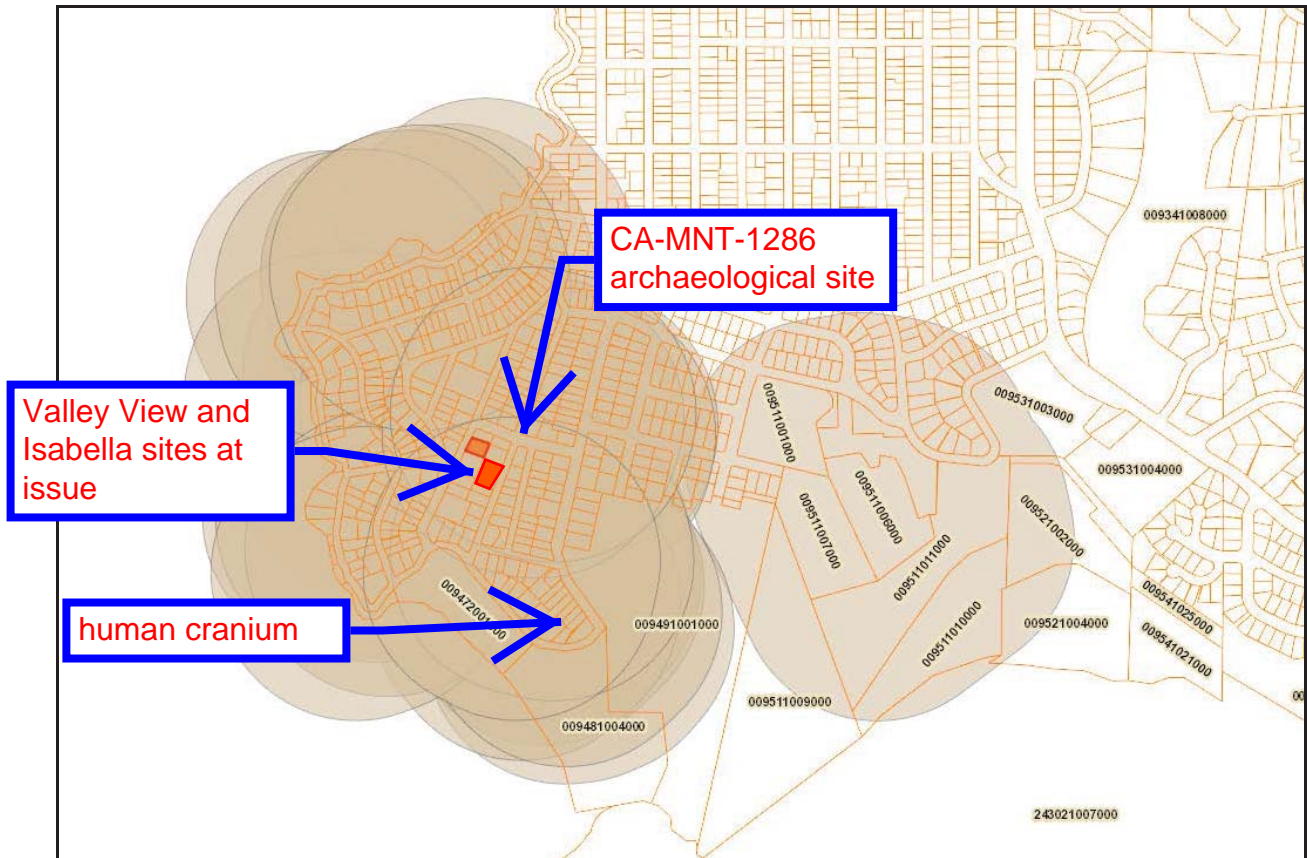
The Planning Commission should not consider this proposal at a meeting on May 28, 2025.

TOMP reserves the right to make further comments.

Please confirm receipt of these comments and the three attachments.  
Thank you.

Molly Erickson  
**Law Office of Molly Erickson**  
tel: 831-373-1214





**Figure 19 – Carmel Point:** Archaeological 750-foot buffer, subject parcel outlined in orange

The subject site is also located within the coast range geomorphic province of central California (Source 20). According to Monterey County’s GIS information on active/potentially active faults, the subject site, as well as many parcels on the Point, are in close proximity to the Cypress Point Fault line (**FIG 20**). According to the Geotechnical Investigation (Source 21), significant seismic shaking will occur at the site during the lifetime of the project.



## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> April 28, 2010	<b>Time:</b> 9:45 A.M.	<b>Agenda Item No.:</b> 3
<b>Project Description:</b> Combined Development Permit consisting of 1) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 1,529 square foot single family dwelling and the construction of a 3,676 square foot, three level single family dwelling with 1,284 square feet located completely below grade; 2) Coastal Development Permit for development on a parcel with positive archaeological reports; 3) Coastal Development Permit for the removal of a 48" planted and diseased Cypress tree; replacement of a 6 foot high, 158 linear foot retaining wall at the rear of the property and continued around three sides of the property; grading (500 cubic yards cut/50 cubic yards fill). The property is located at 26478 Carmelo Street, Carmel Area Land Use Plan, Coastal Zone.		
<b>Project Location:</b> 26478 Carmelo Street, Carmel	<b>APN:</b> 009-471-024-000	
<b>Planning File Number:</b> PLN080266	<b>Owner:</b> Steven Polkow <b>Agent:</b> Dana Annereau	
<b>Planning Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> Yes	
<b>Zoning Designation:</b> : "MDR/2-D (18) (CZ)" Medium Density Residential, 2 units per acre-Design Control District, (18 Foot Height Limit) in the Coastal Zone		
<b>CEQA Action:</b> Mitigated Negative Declaration		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Adopt Mitigated Negative Declaration (**Exhibit F**) with Mitigation Monitoring Reporting Plan (**Exhibit C-1**);
- 2) Approve PLN080266, to allow demolition of the existing 1,529 square foot single family dwelling, construction of a new 3,676 square foot single family dwelling with 1,284 square feet located completely below grade; associated grading and removal of one planted Monterey Cypress tree, based on the findings and evidence (**Exhibit C**) and subject to the conditions of approval (**Exhibit C-1**); and
- 3) Deny the request to replace the 6 foot high, 158 linear foot retaining wall at the rear of the property:

### PROJECT OVERVIEW:

The applicant requests the necessary entitlements to remove an existing home and construct a new 3,676 square foot, three level single family dwelling with 1,284 square feet located completely below grade. The site is located in the Carmel Point area and is highly visible from Carmel State Beach and from Scenic Drive. In addition the site is in a location that is rich in archaeological resources. Fragments of a human cranium were discovered behind the existing retaining wall. As such, staff is recommending denial of the 6 foot high, 158 linear foot retaining wall. This project is being brought to the Planning Commission because there is a significant policy issue related to archaeology. For a more detailed discussion see Exhibit A.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- Environmental Health Division
- √ Water Resources Agency
- √ Cypress Fire Protection District
- √ Parks Department



***Ohlone/Costanoan-Esselen Nation***



*Previously acknowledged as  
The San Carlos Band of Mission Indians  
The Monterey Band  
And known as  
O.C.E.N. or Esselen Nation  
P.O. Box 1301  
Monterey, CA 93942*

[www.ohlonecostanoanesselenation.org](http://www.ohlonecostanoanesselenation.org)

July 1, 2020

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

RE: A-3-MCO-19-0039 Pietro Family Investments, A-3-MCO-19-0041 Pietro Family Investments, A-3-MCO-19-0042 Valley Point LLC

Saleki Atsa,

Ohlone/Costanoan-Esselen Nation (OCEN) is an historically documented previously recognized tribe. OCEN is the legal tribal government representative for over 600 enrolled members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission and/or Costanoan Mission Indian descent of Monterey County. OCEN families lived in what is now known as Monterey County for thousand of years. OCEN Tribal Members genealogy is proven to the original mission records, with birth dates as far back as 1713, original village names and original family names before they were changed to Spanish soldiers' names. Every enrolled tribal member' genealogy is proven to 13 core families.

As the Tribal Chair of OCEN, my greatest responsibility is to protect the disturbed remains of our Ancestors. Our Ancestors are buried in the most beautiful and sacred areas of Monterey County. Years ago, when homes were built in Carmel Point the remains of our Ancestors were removed without ceremony, without peace. The builders did not care and dumped the burials with soil removal. We know there was disturbance, and no one cared. Today, individuals wanting larger homes are requesting basements be built. I believe that these individuals know that our Ancestors are buried on their property. Once again, with desire for larger homes, these individuals have no respect for our Ancestors burials.

We know that many of the property owners have disturbed/destroyed our Ancestor's burials without permits. I am familiar with Carmel Point and driving through it often, and it appears to me that approximately 1 of every 3 homes is working on renovations. To put one shovel into the soil is considered soil disturbance which requires a Monterey County permit. Many homeowners do not know that. Also, many County permits are ministerially given and they are not conditioned to require an archaeological monitor and tribal monitor, such as the illegal trenching that was done by these applicants at the two parcels on Valley View.

***OCEN supports the staff recommendation that the three new houses be constructed without basements.***




I bring to your attention the attached letter and disturbance at 2446 17<sup>th</sup> Ave. Carmel. I was advised that Native American remains were disturbed as I was assigned as the Most Likely Descendant by the Native American Heritage Commission on July 26, 2019. Following the law, I contacted the owner of the property who forwarded the attached photo. As you notice the bones of the Ancestors are quite visible. I was advised that the landscaper removed all the remains, placed them on the patio, then was told to return them to the soil. As you can see in the second photo when the Coroner was photographing the disturbance the remains had been replaced and mostly covered as to hide the fact that the landscaper had disturbed the remains. You can also notice all the disturbance to the property on the other side of the patio. This disturbance occurred because the owner wanted to drill a gas pipe into a large boulder that sat at the site. The boulder was too large therefore, the landscaper made the patio hole larger and, in the process, disturbing four (4) Ancestors. The owner of this property had permits to remodel the home and NO PERMIT FOR LANDSCAPING. Again, because of all the "Unpermitted Landscaping" there was no land to rebury the Ancestors and insure no future disturbance at the site. To this day I protect the Ancestor's remains hoping that I will be provided space within Carmel Point to rebury. This homeowner, as well as others in this area have no respect for OCEN's Ancestors

It is with respect and honor that we accept the Staff Report of the California Coastal Commission. We are aware that there will be renovations to homes in Carmel Point and concur that basements should not be built on OCEN's Ancestral burial ground. The LCP requires avoidance of our Ancestors where they are buried.

Please feel free to contact me with any questions.

Sincerely and Respectfully Yours,



Louise J. Miranda Ramirez  
Tribal Chairwoman  
Ohlone/Costanoan-Esselen Nation  
(408) 629-5189

Cc: OCEN Tribal Council



**From:** [Molly Erickson](#)  
**To:** [Spencer, Craig](#); [Beretti, Melanie](#); [Friedrich, Michele](#)  
**Cc:** [katie.butler@coastal.ca.gov](mailto:katie.butler@coastal.ca.gov); [Kevin Kahn](#); [Alameda, Joseph](#)  
**Subject:** Re: PLN210331 Reynolds Jon Q Tr -- Carmel Point project  
**Date:** Monday, May 5, 2025 2:17:30 PM  
**Attachments:** [image001.png](#)

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Thank you. Please add the following to the comments of The Open Monterey Project:

Carmel Point has natural boulders and rock formations. The four sets of remains that were uncovered by landscapers in 2020 involved the removal of a boulder. That was a painful and difficult lesson for all involved. The architect who was involved in that project has now stated as a requirement on other Carmel Point project plans that "Existing boulders shall be left in place."

The County should add to its standard conditions and mitigations regarding sensitive archeological areas a requirement that no natural features such as boulders are to be moved unless

- (1) the natural features proposed to be removed are specifically identified in the application prior to approval, and
- (2) the Native American tribal observer and the monitoring archeologist must be onsite and observe any act to remove, move or relocate a boulder, in full or in part.

In other words, the project analysis should require the information as to proposed removal of any natural rock, and the mitigations should require observation of any movement of existing boulders and rock outcroppings, in addition to movement of soil and other ground disturbance such as tree removal.

Molly Erickson  
**Law Office of Molly Erickson**  
tel: 831-373-1214

On Monday, May 5, 2025 at 01:48:28 PM PDT, Friedrich, Michele <[friedrichm@countyofmonterey.gov](mailto:friedrichm@countyofmonterey.gov)> wrote:

Good afternoon –

Staff received your comments regarding the Mitigated Negative Declaration & Initial Study related to the Reynolds project [PLN210331], within the review comment period.



A hard copy will be printed out and provided to the planner, Joseph Alameda.

Thank you.



**Michele Friedrich**

Principal Office Assistant

Housing and Community Development

1441 Schilling Place South 2<sup>nd</sup> Floor, Salinas, CA 93901

O: (831) 755-5189

[friedrichm@countyofmonterey.gov](mailto:friedrichm@countyofmonterey.gov)

To access our permit database, please go to: <https://aca-prod.accela.com/monterey/Default.aspx>

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**From:** Molly Erickson <erickson@stamplaw.us>

**Sent:** Friday, May 2, 2025 4:56 PM

**To:** Spencer, Craig <SpencerC@countyofmonterey.gov>; Beretti, Melanie <BerettiM@countyofmonterey.gov>; ceqacomment@countyofmonterey.gov

**Cc:** katie.butler@coastal.ca.gov; Kevin Kahn <kevin.kahn@coastal.ca.gov>

**Subject:** PLN210331 Reynolds Jon Q Tr -- Carmel Point project

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