

# Exhibit D

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**From:** [CEQAReview](#)  
**To:** [Mason, Steve](#)  
**Cc:** [state.clearinghouse@lci.ca.gov](#); [zimmer@cvmanor.com](#); [Kereazis, Dave@DTSC](#); [Wiley, Scott@DTSC](#)  
**Subject:** DTSC Comments - Northern Calif Congregational Retirement Homes Inc. (Carmel Valley Manor)  
**Date:** Friday, March 6, 2026 8:20:18 AM  
**Attachments:** [DTSC Comments - NCCRH-Carmel Valley Manor.pdf](#)

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Good morning Steve Mason,

The Department of Toxic Substances Control (DTSC) received and reviewed the MND for the [Northern Calif Congregational Retirement Homes Inc. \(Carmel Valley Manor\)](#). Attached are DTSC's comments for consideration.

Thank you,



**CEQA Unit**  
HWMP-Permitting  
Department of Toxic Substances  
Control  
CalEPA  
[CEQAReview@dtsc.ca.gov](mailto:CEQAReview@dtsc.ca.gov)



**Yana Garcia**  
Secretary for  
Environmental Protection



**Department of Toxic Substances Control**

Katherine M. Butler, MPH, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200  
[dtsc.ca.gov](http://dtsc.ca.gov)



**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

March 6, 2026

Steve Mason  
Associate Planner  
County of Monterey Housing & Community Development  
1441 Schilling Place South 2<sup>nd</sup> Floor  
Salinas, CA 93901  
[masons@countyofmonterey.gov](mailto:masons@countyofmonterey.gov)

RE: MITIGATED NEGATIVE DECLARATION FOR THE NORTHERN CALIF  
CONGREGATIONAL RETIREMENT HOMES INC (CARMEL VALLEY MANOR) DATED  
MARCH 2, 2026, STATE CLEARINGHOUSE NUMBER [2026030053](#)

Dear Steve Mason,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Northern Calif Congregational Retirement Homes Inc. (Carmel Valley Manor) (Project). A Combined Development Permit consisting of:

- I. Administrative Permit and Design Approval to allow demolition of three (3) residential units, seven (7) guest units, a wood shop, three (3) carport structures, and construction of nineteen (19) residential units, eight (8) guest units, a 12-bed memory care facility, additions to the existing fitness center and meeting house and associated site improvements including grading in the amount of approximately 7,100 cubic yards of cut and fill;
- II. Use Permit to allow development on slopes in excess of 25%; and,
- III. Use Permit to allow the removal of approximately 61 protected Oak trees.

DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the

presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in [DTSC's PEA Guidance Manual](#). Furthermore, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil/fill material there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

DTSC would like to thank you for the opportunity to comment on the MND for the Northern Calif Congregational Retirement Homes Inc. (Carmel Valley Manor). Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our [CEQA Review email](#) for additional guidance.

Sincerely,

*Tamara Purvis*

Tamara Purvis  
Associate Environmental Planner  
HWMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Steve Mason  
March 6, 2026  
Page 3

cc: (via email)

Governor's Office of Land Use and Climate Innovation  
State Clearinghouse  
[state.clearinghouse@lci.ca.gov](mailto:state.clearinghouse@lci.ca.gov)

Jay Zimmer  
Applicant  
Carmel Valley Manor  
[zimmer@cvmanor.com](mailto:zimmer@cvmanor.com)

Dave Kereazis  
Associate Environmental Planner  
HWMP-Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Scott Wiley  
Analyst II  
HWMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Scott.Wiley@dtsc.ca.gov](mailto:Scott.Wiley@dtsc.ca.gov)

**From:** [Joel Panzer](#)  
**To:** [cegacomments](#)  
**Cc:** [Jay Zimmer](#); [John Haupt](#)  
**Subject:** Re: Public Comment Letter (PLN240141)  
**Date:** Wednesday, March 25, 2026 3:46:41 PM  
**Attachments:** [Master Plan Project CEQA LTR\\_03.24.26.pdf](#)

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Hello-

I inadvertently forgot to click the link to attach the comment letter...

**Joel R. Panzer, Member**  
**Maureen Wruck Planning Consultant, LLC**  
**21 West Alisal Street, Suite 111**  
**Salinas, CA 93901**  
**(831) 771-2557 – office**  
**(831) 594-8200 - cell**

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**From:** Joel Panzer  
**Sent:** Wednesday, March 25, 2026 12:34 PM  
**To:** [CEQAcomments@countyofmonterey.gov](mailto:CEQAcomments@countyofmonterey.gov) <[CEQAcomments@countyofmonterey.gov](mailto:CEQAcomments@countyofmonterey.gov)>  
**Cc:** [Jay Zimmer](mailto:jzimmer@cvmanor.com) <[jzimmer@cvmanor.com](mailto:jzimmer@cvmanor.com)>; [John Haupt](mailto:jhaupt@cvmanor.com) <[jhaupt@cvmanor.com](mailto:jhaupt@cvmanor.com)>; [Ashley Chung](mailto:a.chung@perkinseastman.com) <[a.chung@perkinseastman.com](mailto:a.chung@perkinseastman.com)>  
**Subject:** Public Comment Letter (PLN240141)

Hello-

Attached please find the applicant's comments on the CEQA Initial Study/Mitigated Negative Declaration for the Carmel Valley Manor Master Plan.

Respectfully Submitted,

**Joel R. Panzer, Member**  
**Maureen Wruck Planning Consultant, LLC**  
**21 West Alisal Street, Suite 111**  
**Salinas, CA 93901**  
**(831) 771-2557 – office**  
**(831) 594-8200 - cell**

March 25, 2026

County of Monterey  
Housing and Community Development  
Attn: Steve Mason  
1441 Schilling Pl South 2<sup>nd</sup> Floor  
Salins, CA 93901

Re: Comments on CEQA Initial study and Mitigated Negative Declaration: Carmel Valley Manor Master Plan, 8545 Carmel Valley Road, Carmel, CA (PLN240141)

VIA E-Mail: [CEQAcomments@countyofmonterey.gov](mailto:CEQAcomments@countyofmonterey.gov)

Dear Mr. Mason:

We are in receipt of the CEQA Initial Study/Mitigated Negative Declaration (IS/MND) for the Carmel Valley Master Plan. The IS/MND correctly notes that Carmel Valley Manor was established via Use Permit #624, issued by the Monterey County Planning Commission in 1960. This Use Permit allowed 172 residential units (Page 23) and various uses and buildings/facilities. The proposed Master Plan for the main campus project generally includes a new 12-bed memory care building, the addition of 19 new independent living units (171 units total), adding one additional guest unit for a total of eight (8) newly constructed units, the remodeling and additions to the meeting house and fitness center to make them more functional and better serve the community and addition of more onsite parking.

Our comments on the IS/MND are as follows:

**Substantive Comments**

Mitigation Measure BIO-1 (Pages 27 and 28; see also Page 47).

1. BIO-1 should refer to the February 18, 2026, Thompson Management Report.
  - Tree relationships with buildings are similar to that of a compactly developed setting where trees are close to or immediately adjacent to buildings. Installing fencing “around the driplines” recommended on the top of Page 28 cannot be accomplished in all instances.
  - TPRP (Page 27). We would note that the majority of the information requested is already included in the February 18, 2026, arborist report. This requirement seems redundant.
  - IS/MND Section 4.e (Page 27). This discussion relates to consistency with local policy or ordinances. Monterey County Code Sections 16.60

and 21.64.260 provide regulations for “*Preservation of Oaks and Other Protected Trees*”. In the Carmel Valley Master Plan area, protected trees are oaks, madrones, and redwoods. As written, neither of these Ordinances specify success ratios or required monitoring timeframes. BIO-1 recommends a five (5) year monitoring report and an 80% success ratio. This recommendation does not come from the project arborist (see Thompson, February 2026). There is no justification in the IS/MND that supports this recommendation. Without evidence in the record to justify this recommendation, we ask that this language be deleted from the IS/MND.

2. Energy Impact (b) (Page 34). The second paragraph states that: “*(t)he project proposes to modernize existing campus systems, including conversion to energy-efficient lighting, heating and water infrastructure...*”. Improvements to these systems would comply with the California Building Codes in effect at the time of building permitting and would be limited to any new construction proposed, not for all “*existing campus systems*”. Please also be aware that unrelated to PLN240141, Carmel Valley Manor is installing solar panels throughout the community.
3. GEO-1 (Page 38). We would clarify that the timing of providing foundation plans is related to the specific project Phase that proposes construction of a new building/structure and/or building additions. The mitigation should recognize that foundation plans are anticipated to be provided in a series of individual building permit plan check filings with HCD Building Services.
4. N-1 (Page 51, Item #3, Page 50). This mitigation measure recommends: “*...acoustic blankets/quilts, modular soundproof walls or similar acoustic enclosures...*” to control construction noise. Carmel Valley Manor is not in a densely urbanized setting where this level of mitigation would otherwise be required for sound attenuation for sensitive receptors. The mitigation seems impractical to implement, and we would request this be eliminated.

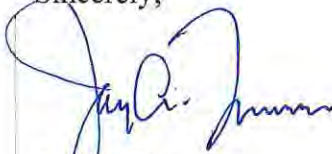
### **Editorial Comments and Clarifications**

- Carport Demolition. The document should be corrected throughout to reflect the demolition of four (4) carport structure vs. the three (3) carports reported in numerous citations throughout the document.
- Assessor’s Parcel Numbers. We believe the IS/MND should refer to APN’s 169-061-012-000 & 169-0561-018-000.
- Acreage. Whitson Engineers survey data indicates that the property is 24.41 acres in size (Page 10 and elsewhere).
- On-site Wastewater Treatment System abandonment. The IS/MND should uniformly reflect that the OWTS has been abandoned, as noted on Page 7. The project is fully connected to the Carmel Area Wastewater District’s new sewer line. It should be noted that Carmel Valley Manor is a fiscal sponsor that mainly financed the sewer line extension.

- Table 1, Project Improvements (Page 5). Please note that the new independent living units are 1,800 SF, vs. the 1,930 SF noted in the Table.
- Construction Page 5. Please note that given the infill nature of the project, construction will be developed in phases. There is a strong interest in the community to prioritize the memory care building, which will be the first phase of construction.
- Pervious and Impervious Coverage (Pages 7, 44 and 45). The site currently consists of 228,431 SF of structural coverage (20.36%). We also calculate the net increase of new structural coverage to be 30,394 SF vs. 43,700 SF noted in the document.
- Nature of Community (Page 18): Top paragraph, third line. Carmel Valley Manor is a 65+ retirement community designed for independent living; it does have an assisted living component (24 beds).
- Biological Resources (Pages 26 & 27). The “Thompson Report” should reference the February 18, 2026, report update.
- Historic Report References (Pages 30 and 70). A Phase Two Historic Assessment Supplement was prepared by Past Consultants (February 11, 2026). This evaluation should be noted in the IS/MND. The last paragraph should also be updated to reflect the 2026 PAST report. Similarly, the next to last paragraph on Page 31 should be used as evidence to support the CEQA finding in italics. See also historic report references on Page 70.
- Grading (Page 37). Grading is proposed to be 7,100 CY, not 6,000 CY as noted.
- Landscape Plan reference (Page 48). The fifth line of the top paragraph should also recognize that the most recent update to the landscape plan is dated February 2, 2026.
- Recreation (Page 16). We would also note that the project itself has numerous recreational opportunities that are offered on-site for our residents. The project includes an upgrade and expansion of the fitness center as part of the project.
- References to Zhou Transportation Group (Page 57, 59, 71 and 74). We believe this should reference Hexagon Transportation Consultants, Inc. Mr. Zhou was one of the traffic report authors.

Thank you for the opportunity to submit these public comments.

Sincerely,



Jay A. Zimmer  
 President and CEO  
 Carmel Valley Manor

**From:** [Molly Erickson](#)  
**To:** [Mason, Steve](#); [Spencer, Craig](#); [cegacomments](#)  
**Subject:** Carmel Valley Manor, PLN240141 — inadequacy of revised initial study  
**Date:** Tuesday, March 31, 2026 9:39:20 AM

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Steve and Craig:

Thank you, Steve; however, this is inadequate in light of the significant material changes to the project description subsequent to the January 2025 application. It is not reasonable for the County to claim that "*Any changes to the project which have occurred since the 1-9-25 application form are reflected in the CEQA document, the HRRB staff report, the PC staff report and any other sources that will be referenced by the PC when they are asked to make a decision on the project.*" That County claim makes no sense because those documents are neither referenced in the CEQA document nor part of the application which itself is not referenced in the CEQA document. "The HRRB staff report" is not useful because the January 2026 Staff report to the HRRB was on the original January 2025 application, and the February 2026 staff report to the HRRB completely omitted any reference to changes to the project as a result of the extensive and detailed comments by the HRRB and community at the January 2026 meeting. A "PC staff report" does not even exist at this time. And my clients do not have access now to the the vague "other sources" that may be referenced by the PC at some time in the future.

It is fundamental that an adequate project description is critical to the analysis in the CEQA document. In order to comment on the adequacy of the CEQA document -- including the adequacy of the project description in the CEQA document and the environmental analysis -- my clients must be able to access the finite and stable application materials that are reviewed in the CEQA document. The CEQA document does not substitute for that essential information, and the CEQA document does not even identify them as sources. I urge you to consult with legal counsel on this.

Please respond promptly.

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

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On Monday, March 30, 2026 at 04:57:08 PM PDT, Mason, Steve <masons@countyofmonterey.gov> wrote:

Molly,

The most current plan set is attached to this email and is also available in Accela as “PLANS\_SITE\_PLAN\_PLN240141\_021326.pdf”. The revised Cover Sheet “REVISED\_SHEET\_G-00\_COVERSHEET\_SITE\_PLAN\_PLN240141\_021326” is also attached and is also in Accela. Note that there is a minor change forthcoming (which is reflected in the IS/MND) to the plan set unit count table (Sheet G-00) – specifically, for the 7<sup>th</sup> single family dwelling at 8543 Carmel Valley Road which will be demolished. I’d in fact just requested a corrected Cover Sheet to address this earlier this morning, but, as mentioned, all 7 SFD’s are noted in the CEQA document and all 7 SFD’s, including the proposed demolition, were also noted in the second HRRB presentation.

The reports related to the IS/MND are also in Accela and are available under the “Related” tab in Accela. Note that there are two Arborist Reports - LIB250134 (3-2-26) which mostly superseded the prior LIB250015 (12-27-2024). Accordingly, the data from the 3-2-26 report is reflected in the IS/MND. The same applies to the two Traffic Surveys in Accela.

The project application “APP\_PLN240141\_010925” is attached. Any changes to the project which have occurred since the 1-9-25 application form are reflected in the CEQA document, the HRRB staff report, the PC staff report and any other sources that will be referenced by the PC when they are asked to make a decision on the project.

I hope that this answers most of your questions. Of course, any remaining inquiries can be included in your comments on the CEQA document, and we can address them accordingly.

Thanks,

**Steve Mason**  
**County of Monterey**  
**Housing & Community Development**  
**Phone 831-759-7375**

Effective immediately, discretionary planning permits will be managed by two teams. The Development Review team will process applications from initial submittal to deeming it complete. All submittals and resubmittals shall be sent to [PlanningPermits@CountyofMonterey.gov](mailto:PlanningPermits@CountyofMonterey.gov), with your assigned planner cc'd. Once deemed complete, the Consistency Review team will prepare the application for consideration by the appropriate authority. Temporarily restructuring Current Planning is intended to better manage its demanding workload and address staffing shortages. HCD recognizes that it will take time to adjust to this new structure, and your patience is appreciated. Please contact 831-755-5025 if you have any questions.

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**From:** Molly Erickson <erickson@stamplaw.us>  
**Sent:** Monday, March 30, 2026 12:33 PM  
**To:** Mason, Steve <MasonS@countyofmonterey.gov>  
**Subject:** Carr Valley Manor, PLN240141

Steve, would you please send me the application materials that constitute the project that is analyzed in the initial study? I am looking for the complete set of materials that describe the project currently proposed by the applicant. I request the same information set that the planning commission will be asked to act upon. This would include at a minimum the completed current project application form and a complete set of plans. Please provide these promptly because comments on the revised draft initial study are due on April 1.

The revised draft initial study does not identify the project materials as a source, which is extremely odd.

Molly Erickson  
**Law Office of Molly Erickson**  
Cel: 831-917-8157

**From:** [Stephanie Locke](#)  
**To:** [cegacomments](#)  
**Cc:** [Stephanie Locke](#)  
**Subject:** Carmel Valley Manor; File Number PLN240141  
**Date:** Tuesday, March 31, 2026 1:04:30 PM  
**Attachments:** [169061012\\_20260309\\_Carmel Valley Manor CEQAComment Letter.pdf.pdf](#)

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Hello,

Please find the Monterey Peninsula Water Management District's comments attached.

Kind regards,  
Stephanie

Stephanie Locke, Water Demand Manager  
Monterey Peninsula Water Management District  
PO Box 4875  
5 Harris Court, Building G  
Monterey, California 93940  
Office: 831-658-5601



March 31, 2026

County of Monterey  
Housing & Community Development  
Attn: Steve Mason  
1441 Schilling Place South 2<sup>nd</sup> Floor  
Salinas, CA 93901

**Subject: Carmel Valley Manor; File Number PLN240141**

Dear Mr. Mason:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates the opportunity to comment on Carmel Valley Manor's Draft Mitigated Negative Declaration and Initial Study for the Carmel Valley Manor Project in Carmel Valley. The project is described as construction of a new 12-bed Memory Care facility, nineteen (19) residential units, eight (8) guest units, including demolition, renovation or additions to and replacement of existing structures. The District is submitting these comments based on current rules and policies which are subject to revision by action of the Board of Directors. The District has the following comments:

MPWMD – Water Permit Requirement

Water Permits will be required for the proposed project. Carmel Valley Manor has a Malpas Water Use Permit (No. 772), issued July 31, 2018, for 6.00 Acre-Feet of water to serve the proposed project, plus water credit that will be documented as buildings are demolished. The quantity of water available from the Water Use Permit is sufficient to meet the needs of the proposed project. The District will evaluate the project's Water Use Capacity and issue Water Permits for the project as depicted on final construction plans prior to issuance of the Building Permit.

Water Efficiency Requirements

All Residential and Non-Residential users must comply with MPWMD's extensive water conservation and water efficiency standards (Rule 142). Installation of water efficient plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources. Current MPWMD Rules and Regulations are available at the following website: [www.mpwmd.net](http://www.mpwmd.net).

MPWMD cannot process Water Permits for properties not in compliance with District Rules and Regulations. Before permits for this project are issued, MPWMD will require a complete inspection of all plumbing fixtures. The District will also need to inspect and record the uses of any building that will be demolished prior to demolition.

MPWMD Water Efficient Landscape Requirements

New and refurbished landscape projects must install and maintain landscaping that complies with MPWMD'S Water Efficient Landscape Regulation (Rule 142.1). The regulation promotes

Steve Mason, County of Monterey

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March 31, 2026

efficient landscapes in new developments and provides substantial water savings through proper landscape design, installation, and maintenance. Complete Landscape Documentation Packages and landscape plans must be submitted to the District for review and possible permitting.

Water Meters on New and Expanded Water Service Connections

As a condition of the Water Permits, each user will be required to have permanent submetering owned and maintained by the property owner. A “User” is defined as “a customer or consumer of water delivered by a Water Distribution System. Each residence, commercial enterprise, or industrial enterprise shall be deemed a separate and distinct User.”

Thank you for the opportunity to review the Mitigated Negative Declaration for the Carmel Valley Manor Project and to provide comments. If you have any questions or would like to discuss our comments, please contact Stephanie Kister Campbell at [skister@mpwmd.net](mailto:skister@mpwmd.net) or 831-658-5601.

Sincerely,

*Stephanie Locke*

Stephanie Locke  
Water Demand Manager

## **Response to comments received on IS/MND:**

### **Department of Toxic Substances Control (DTSC) Comments (March 6, 2026):**

#### **Comment:**

Regarding structures to be demolished, DTSC has asked that surveying and monitoring be performed for: "...presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk."

#### **Response:**

There are numerous regulations in the CA Health & Safety Code that combine to create a framework around demolition in buildings that involve lead-based paint or materials. Note, also, that the contractor must be certified by the CA Department of Public Health.

Monterey County Code requires that demolition permits be reviewed and approved by Monterey County Environmental Health Bureau, including completion of a Hazardous Material Questionnaire. Additional review by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) may also be required. Further, The County requires that contractors shall be properly licensed for the demolition work, including special provisions and license for asbestos removal. Finally, a standard condition of approval attached to the project, "PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)," is included to minimize potential effects from airborne pollutants which may be produced during the demolition process.

#### **Comment:**

"DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's PEA Guidance Manual."

#### **Response:**

Importing of soil/fill material will not be required for this project, as all soil resulting from grading (i.e., "cut") will be redistributed onsite.

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### **Monterey Peninsula Water Management District (MPWMD) Comments (March 31, 2026):**

The WPMD comment letter confirms the current adequacy of existing water credits to support the project and reiterates their standard review of related construction permits: "The District will evaluate the project's Water Use Capacity and issue Water Permits for the project as depicted on final construction plans prior to issuance of the Building Permit."

#### **Comment:**

"All Residential and Non-Residential users must comply with MPWMD's extensive water conservation and water efficiency standards (Rule 142)."

#### **Response:**

MPWMD's own internal processes ensure this compliance, as noted in their comment letter "Before permits for this project are issued, MPWMD will require a complete inspection of all plumbing fixtures. The District will also need to inspect and record the uses of any building that will be demolished prior to demolition."

Comment:

“New and refurbished landscape projects must install and maintain landscaping that complies with MPWMD’S Water Efficient Landscape Regulation (Rule 142.1).”

Response:

A standard condition of approval attached to the project, “PD012(E) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (OTHER THAN SINGLE FAMILY DWELLING),” requires landscape plans to include a Maximum Applied Water Allowance (MAWA) calculation and a formal “Non-Residential Water Release Form and Water Permit Application” to be submitted to the Monterey Peninsula Water Management District for review and approval with the landscape plans

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**State of California Department of Fish and Wildlife Comments (April 1, 2026)**

Comments:

The Project site is within range of white-tailed kite (WTKI) and golden eagle (GOEA); however, the species was not specifically mentioned within the MND and species-specific mitigation measures were not provided. (Note that both the WTKI and GOEA are designated as “State fully protected” species.)

Recommended Mitigation Measure 1: WTKI and GOEA Surveys CDFW recommends that a qualified biologist conduct focused surveys for nesting GOEA and WTKI prior to beginning Project-related activities within the Project site. GOEA evaluations should follow the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations guidelines

Recommended Mitigation Measure 2: WTKI and GOEA Avoidance Buffer CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests of GOEA and WTKI until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. CDFW advises Project proponents not to allow reductions in no-disturbance buffer size for GOEA and WTKI or any fully protected bird species absent a compelling biological or ecological reason to do so. Further consultation with CDFW is warranted to discuss Project implementation and take avoidance.

Response:

The following (standard) condition of approval is included in the project and will adequately address potential impacts to white-tailed kite (WTKI) and golden eagle (GOEA):

**PD050 – RAPTOR/MIGRATORY BIRD NESTING**

Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

- Action(s) Needed for Resolution:

No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

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**Law Office of Molly Erickson Comments (March 31, 2026)**

**Comment:**

Thank you, Steve; however, this is inadequate in light of the significant material changes to the project description subsequent to the January 2025 application. It is not reasonable for the County to claim that "*Any changes to the project which have occurred since the 1-9-25 application form are reflected in the CEQA document, the HRRB staff report, the PC staff report and any other sources that will be referenced by the PC when they are asked to make a decision on the project.*" That County claim makes no sense because those documents are neither referenced in the CEQA document nor part of the application which itself is not referenced in the CEQA document. "The HRRB staff report" is not useful because the January 2026 Staff report to the HRRB was on the original January 2025 application, and the February 2026 staff report to the HRRB completely omitted any reference to changes to the project as a result of the extensive and detailed comments by the HRRB and community at the January 2026 meeting. A "PC staff report" does not even exist at this time. And my clients do not have access now to the vague "other sources" that may be referenced by the PC at some time in the future.

It is fundamental that an adequate project description is critical to the analysis in the CEQA document. In order to comment on the adequacy of the CEQA document -- including the adequacy of the project description in the CEQA document and the environmental analysis -- my clients must be able to access the finite and stable application materials that are reviewed in the CEQA document. The CEQA document does not substitute for that essential information, and the CEQA document does not even identify them as sources. I urge you to consult with legal counsel on this.

**Response:**

All relevant information which was conveyed in the initial project application has been expanded upon within in the introductory section of the CEQA document "II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING" (pages 2-8), and also in abbreviated form on IS/MND circulation cover sheet (i.e., the front page) under the subheading "Project Description". Project application forms are not frequently cited and/or referenced in CEQA documents as they typically convey only very rudimentary information which, in any event, is reiterated throughout the reports that are cited.

The project changes resulting from the *January 2026 HRRB* hearing were not reflected in the *February 2026 HRRB Staff Report* because approximately one hour of discussion at the January HRRB hearing was devoted to the subject matter, and the HRRB members and any listeners were already well familiar. Moreover, these changes primarily consisted of removing a proposed area of development and, accordingly, no longer constitute a part of this project. These changes to the project are reflected specifically in the project description as conveyed in the approved HRRB Resolution (**Ex. I**), which is essentially the same project description and parameters as described in the CEQA document and the Planning Commission staff report. Two related

technical reports (among 47 listed “sources”) which were utilized in drafting the HRRB staff report are cited specifically in the IS/MND, section “IX. SOURCES,” specifically as items #27 (“Archives & Architecture. 2025. Carmel Valley Manor Master Plan Phase Historic, Assessment. February 10, 2025” - Note: The author here should be listed as “PAST Consultants,” see “Staff notes/errata regarding the CEQA document,” below), and #28 “PAST Consultants. 2024. PAST Consultants Historic Review and DPR 523A/B Forms, June 3, 2024, updating 2013 DPR records.”).

Minor changes to project descriptions following the submission of a Development Project Application are not an unusual occurrence. Requiring a new Application for each minor change would lead to an interminable cycle of 30-day review periods and re-circulations. It should also be noted that the project has seen a **reduction** in area and impacts since the application was first submitted. Specifically, three of the four areas which have been identified in the CEQA document as “potentially significant,” have seen a reduction in scope as compared to the project described in the initial application:

- Biological Resources: Tree removals have decreased from 133 (predominately oaks) to 61 oaks
- Noise: The removal of proposed demolition and reconstruction at Los Arboles Drive will reduce noise impacts to neighboring residences.
- Transportation/Traffic: The removal of the proposed five additional residential units at Los Arboles Drive has eliminated additional vehicle trips on Los Arboles Drive. The project, as now conditioned, will also disallow all construction-related traffic on Los Arboles Drive.

“Geology and soils,” the fourth area of potentially significant impact, has remained essentially unchanged.

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**Carmel Valley Manor/Applicant Comments (March 25, 2026)**

**Comment:**

It is noted that there are “redundancies” in some of the Mitigation Measures as requirements listed therein also appear in standard conditions of approval.

**Response:**

Redundancies aside, staff is opting to retain all of the Mitigation Measures “as-is,” in order to remain complete consistency from the CEQA document to the project as proposed.

**Comment:**

It is requested that the requirement of 5-year monitoring to verify 80% success ratio for replanted trees be removed (MM BIO-1- TREE PROTECTION AND REPLACEMENT PLAN).

**Response:**

Due to the relatively large number of trees being replanted (43), staff would recommend that this requirement remain “as-is.”

**Comment:**

It is requested that Mitigation Measure “MM N-1- (CONSTRUCTION NOISE CONTROL MEASURES)” be edited to remove the requirement “4. Construction equipment shall be located

*as far as feasible from adjacent sensitive receptors and shielded by temporary barriers such as acoustic blankets/quilts, modular soundproof walls or similar acoustic enclosures.”*

Response:

Staff would recommend that this Mitigation Measure remain “as-is” due to the close proximity of residences on Los Arboles Drive and also the close proximity of Carmel Valley Road.

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Staff notes/errata regarding the CEQA document:

- Pages 30, 31, 70 and 78 (“Sources”) erroneously refer to Historic Assessment Reports as being authored, in part, by “Archives & Architecture.” The reports referenced in these instances have been authored entirely by “PAST Consultants.” The date of publication of the report is correct as listed. Note, also, that the reports identified in the condition of approval requiring adherence to them (#10 – “PD016 – NOTICE OF REPORT) refer to “PAST Consultants” as the author, and not “Archives & Architecture.”
- The “Mitigation Measure BIO-1. Tree Protection and Replacement Plan,” (page 27) states, in part, that the Tree Protection and Replacement Plan (TPRP) shall be consistent with the April 13, 2025, Thompson Wildland Management Pre-Construction Tree Impact.” Note that the April 13, 2025 draft of this report has been superseded with a version dated March 2, 2026. Note, also, that the report dated “March 2, 2026” is identified specifically as such in the condition of approval (#10 – “PD016 – NOTICE OF REPORT) which requires adherence to the report.
- Page 52 denotes “Specifically, the site currently accommodates 146 independent-living residential units and upon completion of the project, would accommodate 163 independent-living residential units (net increase of 17 units).” Including the 6 single family-dwellings on Los Arboles Drive, the overall Carmel Valley Manor will include 169 independent-living residential units, while the net increase in said units will be 16, not 17.

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