

Exhibit D

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Patrick O'Reilly, Ph.D.
P. O. Box 706 El Cerrito, CA 94530
(510)527-6967
oreillyphd@hotmail.com
License # 18019



April 10, 2023

Monterey County Housing & Community Development
1441 Schilling Pl South, 2nd Floor
Salinas, CA 93901

Re: Maehr Ted H and Rainer Richard Scott (File #PLN160856)

To Whom It May Concern,

I own the property immediately below that of Mr. Ted Maehr, and received a copy of the "Notice of Intent to Adopt a Mitigated Negative Declaration." I understand that this is an attempt to adopt an after-the-fact combined development permit to clear a Code Enforcement case (CE80464). I do have concerns about this application, and have outlined them below.

- Mr. Maehr has *no water on his property and his water catchment system is grossly inadequate to fill his water needs*. Because he has two houses on his property (one a rental), not including the building he describes as a barn, as well as gardens, fruit trees, and horses, his water needs are considerable. During the summer, he transports water to his property.
- He has done extensive road building and grading on his property without applying for permits to do so. This is a concern as he may have negatively impacted critical habitats.

It is my hope that the Coastal Commission will carefully examine the application of Misters Maehr and Rainer closely.

Sincerely,


Patrick O'Reilly, PhD



CARMEL FIRE PROTECTION

Post Office Box 7168 | Carmel-by-the-Sea | California 93921 USA

(831) 624-8303 | www.carmelfire.com

JOB NUMBER: 123115

NAME: Maehr/Scott Project

LOCATION: 38829 Palo Colorado Road

AHJ: MDC

APN: 418 151 005 000 +

Review of Mitigated Negative Declaration

This plan check is for documentation submitted in support of the Mitigated Negative Declaration promulgated by the County of Monterey. The MND is dated March 2023.

The fire authority deems this to be COMPLETE. Please see comments below:

Typically for a planning permit, no conditions are imposed at the planning stage since all “planning conditions” are now included as requirements in the Monterey County Fire Code. However, this is not a typical planning permit, and so there is one condition that is imposed by the fire authority:

“All relevant requirements of the Monterey County Fire Code shall be included in the requirements imposed by the County of Monterey to mitigate the code enforcement violations.”

The authority for this condition is stated in Section 102.1 Construction and design provisions. The construction and design provisions of this Code shall apply to:

...

2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this Code.

See page 2 of this review for the construction and design provisions of the Monterey County Fire Code which will be imposed at the building permit stage of the project.

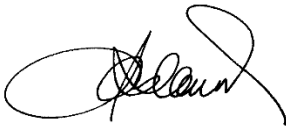
Construction and Design Provisions of the Monterey County Fire Code

1. Fire Protection Systems: Automatic fire sprinklers are required to be retrofitted in the following structures:

- a. 1472 sq.ft. two story SFD
- b. Detached 185 sq.ft ADU
- c. 857 sq.ft two-story barn
- d. 452 sq.ft detached kitchen and cold room

Please note that fire sprinkler system plan and specifications are to be submitted directly to Carmel Fire Protection, Bpx 7168, Carmel, CA 93921 for the above referenced structures for review and approval prior to any work being done on this mitigation project.

2. Water storage: Water storage is required be in a minimum amount of 5,000 gallons based on total square footage development on the parcel. Hydrant is required to be installed as required by Monterey County Fire Code (See Appendix Q)
3. Driveway: Driveway may be required to be paved depending on the grade of the driveway. Driveway to meet the width and slope requirements of the Monterey County Fire Code.
4. All other relevant provisions of the Monterey County Fire Code are inherently included in this document.



BY: _____ DATE: 04/06/2023



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Mendoza Jimenez, Director of Health

Administration Animal Services Behavioral Health Clinic Services
Emergency Medical Services Environmental Health Public Administrator/Public Guardian Public Health

APRIL 5, 2023

To: Mary Israel, Project Planner
Monterey County Housing & Community Development - Planning Department

From: Bryan Escamilla
Monterey County Environmental Health Bureau, Land Use

Subject: Initial Study for PLN160856, Maehr

The Monterey County Environmental Health Bureau (EHB) did not authorize use of the rainwater catchment system as the primary water source. This was discussed with the project applicant during review of the application materials in 2018 and 2019 and the spring was determined to serve as the primary domestic water supply. Two conditions have been added to the project to address the necessary treatment requirement for the spring source and isolate the rainwater catchment system from the domestic supply. EHB recommends that the following revisions are incorporated into the Initial Study document for this project.

1. Section 9. Hydrology and Water Quality – Discussion/Conclusion/Mitigation – The portion “but notes that the spring is not used as a freshwater source by the Project” should be removed. The last sentence should also be revised to say “the Project will utilize the spring as the primary domestic water source.”
2. The second half of the language in Hydrology and Water Quality 9(b). Less than Significant will need to be revised to acknowledge the use of the spring. Water from the rainwater catchment will be allowed for non-domestic purposes and a condition was added to ensure that these systems are separated appropriately.
3. Section 13. Utilities and Service Systems - Discussion/ Conclusion/ Mitigation should also be revised to evaluate the use of the spring as the primary domestic water source. This will include the section related to the summary, water demand, spring flow and the rainwater catchment system discussion.

No additional concerns regarding the Initial Study were identified. EHB appreciates the opportunity to provide comment on this document. Please contact me with any questions at (831) 578-6205.

Sincerely,
Bryan Escamilla, REHS
Health Department - Land Use
Monterey County Environmental Health Bureau