

Ruemel Panglao

From: Camille Leung
Sent: Wednesday, September 9, 2020 2:09 PM
To: Katie Kostiuk; BEVERLY GARRITY; Mark Stegmaier; Rebecca Katkin; Doug Machado; 'chrisjohnson_mcc@yahoo.com'; linda HASTINGSHOUSEWEDDINGS.COM
Cc: Ruemel Panglao; 'macky8@DSLExtreme.com'
Subject: FW: PLN2014-0490 Mitigated Negative Declaration comments

Correspondence for Item 1 for tomorrow

From: Larry Jimenez <larry.jimenez@gmail.com>
Sent: Wednesday, September 9, 2020 1:18 PM
To: Camille Leung <cleung@smcgov.org>
Cc: Don Horsley <dhorsley@smcgov.org>; Michael Callagy <MCallagy@smcgov.org>; Peggy Jensen <pjensen@smcgov.org>; Jim Eggemeyer <JEggemeyer@smcgov.org>; Jim Porter <jporter@smcgov.org>; dan.carl@coastal.ca.gov; jeannine.manna@coastal.ca.gov; Steve Monowitz <smonowitz@smcgov.org>
Subject: Re: PLN2014-0490 Mitigated Negative Declaration comments

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Camille,

On reflection and conversations with an attorney, I want to add emphasis to my concern as to possible damage to Significant Tree #5, our magnificent Cypress.

It is our understanding that the owner of the property where actions take place harming our tree is responsible for legal damages, so long as they reasonably foresaw such damage or were in fact negligent in carrying out their actions. This tree is very important to our aesthetics. We will file a lawsuit for full legal damages available if harm comes to our tree. We understand this to be the cost of tree removal, stump removal and purchase and planting of a comparable tree. We do not know at this time whether the County, as the owner of the easement, would be a party to such a suit.

Regards,

Larry

On Mon, Sep 7, 2020 at 2:50 PM Larry Jimenez <larry.jimenez@gmail.com> wrote:

Camille,

See comments below regarding the county's PLN2014-00490 Mitigated Negative Declaration report. As neighbors adjoining 2 sides of the proposed development, we will have the most aesthetic and construction related impacts.

Page 3, Item 1.a - The project will have Significant Impact on adjacent properties whose view is currently forest to the rear of their properties. The proposed house and driveway will greatly impact the current scenery and current privacy. Significant Tree #6 from the arborist's report is also to be removed which impacts the current scenery. (See Picture Below)



Page 4, Item 1.c - The removal of Trees 14, 15 and 16 means that the proposed house will be directly visible from the adjacent existing house. The newly proposed trees will not provide adequate privacy that currently exists. (See Pictures below)



Page 9 Item 4.a - Site should be visited by biologist after periods of heavy precipitation to review drainage and wildlife. This section mentions endangered species including the red-legged frog and the San Francisco garter snake. The red-legged frog can disperse into upland habitats 300 ft from aquatic and riparian habitat.

Page 12, Item 4.a - A migratory bird survey is required to be performed between Feb 1 to Aug 31 prior to construction. Please make this plan available to the public with the schedule.

Page 15 4.e - The main focus is on the 40" Monterey Cypress Heritage Tree #5, which is located on the property of 390 14th street. The proposed driveway is to route under the tree drip line and over the tree's root line. This is unacceptable as damage will certainly occur to the tree's roots, which could cause death to the Monterey Cypress Tree #5. This tree is not owned by the project or the county easement. Also, the proposed construction path would require low limbs up to 15 feet cut for access. This will disturb the current natural look and feel of the area. (See Picture below). Mitigation Measures 8, 9 and 10 do not adequately address the risk proposed to a Heritage/Significant tree which is not owned by the project or the county. Heavy construction and delivery traffic will also put previously unseen forces on the root structure of the tree causing damage.



Page 44 Responsible Agencies - Please ensure other local agencies are required to approve this project.

Page 49 Determination - Change initial evaluation to state an "Environment Impact Report" is required due to wildlife presence and negative impact to Heritage/Significant trees and existing wilderness scenery.

Not noted on the MND is which party would bear the future responsibility of the proposed driveway on the county easement and paper street. Utilities are to be connected to county services and run in a joint trench under/along the driveway. The majority of this driveway is elevated above our property. If a rupture occurs and our land and house or neighbor's houses are flooded, who will bear that responsibility? Will the county or future owners of the development? How will this be documented and memorialized. Ownership/responsibility needs to be addressed prior to project entitlement.

In closing, a full Environmental Impact Report is deemed required by the neighboring residents of the proposed project. We regularly see deer, kit foxes, cougars and owls who use the rear of our property and the county easement as walking paths through the wilderness area. Some of these species may have endangered status, which needs to be investigated and addressed prior to approval.

Please acknowledge receipt of these comments and provide a written response addressing each of the items.

Thank you,

Larry and Reagan Jimenez