

Exhibit H

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June 6, 2017

County of Monterey

RMA-Planning Department

Attn: Anna Quenga, Associate Planner

168 West Alisal, 2nd Floor

Salinas, CA 93901

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

Dear Ms. Quenga:

As the architect for Mr. and Mrs. Collins, I would like to respond in general to some of the assertions in the letters commenting on your Initial Study and Mitigated Negative Declaration for the Collins project.

Scenic Easement

The assertion that there is a Scenic and Conservation easement on the property is false. The Easement was terminated by the Board of Supervisors in 1990, 4 years before the Collins purchased the property. When the Collins bought the property, they did not know it had had a previous easement which had been extinguished. According to Mr. Collins subsequent research, the Easement was removed by the Warrens who brought the property from BSI in 1989, and sold it to the Kakis Family Trust, who sold the property to the Collins family twenty-three years ago.

BSI Property-Special Treatment in the LUP

The Collins property was part of the original BSI property and that property receives Special Treatment in the Land Use Plan. Up to 25 residential units are allowed and to date we estimate only 12 have been built. It is unlikely anymore new homes will be built after the Collins home, so only about half of the density allowed by the LUP will ever be realized.

The building site on this property is not part of the upper steeper slopes of the BSI. Property (Fricke) that is higher in elevation has been developed. We are proposing to build on the lower flatter area of the parcel and preserve the upper steeper slopes per the Land Use Plan.

Front Setback

Most the letter from Tracy Leaton is based on the misinformation that our setbacks are wrong. They are not wrong and the letter is postulating as to what would happen if we had to move the house back into the hillside. We do not have to move the house back and double the grading, and we do not need a setback variance, so the false scenario in the letter should be dismissed. The grossly exaggerated grading numbers likely contributed to alarming a number of neighbors who then signed the letter under false pretenses.

The correct setback is based upon Section 20.62.040 N of the Zoning Ordinance which is quoted on the Site Plan Sheet G1.2. No variance is required for the setback.

30% Slope

Assertions that all the property is over 30% are wrong. As originally designed only 661 SF of the 1730 SF footprint were on slightly over 30% slope and 1069 SF were on a flat of less than 30%. In response to neighbor's concerns and to be sensitive stewards, we have found a way to reduce the already modest 2500 SF home by 73 SF-resulting in only 588 SF on slightly over 30% slope.

Grading

In response to the neighbors' concerns over the amount of grading, not the grossly exaggerated figures in the letter signed by Tracy Leaton, but the actual amount, we can redesign parts of the project to cut the grading in half - from 864 Cubic Yards down to 428.

Collins – De Amaral Preserve

The Collins Family is sympathetic to the neighbor's concerns and is willing to name the 29 Acre area to be put into Scenic and Conservation Easement as The Collins – De Amaral Preserve, in memory of Mr. Collins late wife Sook, who dearly loved this property and Major Frank De Amaral, if they are allowed to build a modest home on the remaining 1 acre of their property.

Constitution - Takings Clause

According to Amendment V to the United States Constitution,

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Mr. and Mrs. Collins would have a strong Takings case if they were denied a reasonable use of their property.

Considering the evidence above, we urge the Planning Commission to approve the rezoning on a small part of the property so a modest home can be built in this residential neighborhood and 97% of their 30 acre property can be preserved in Scenic Easement.

Sincerely,



Robert M. Carver AIA

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