

**From:** [Virginie Metivier](#)  
**To:** [Tsuchimoto, Colleen](#)  
**Cc:** [Nicola MacMahon](#); [Laurie Hartford](#)  
**Subject:** [EXTERNAL] Opposition to PLN 14-10531 on APN 336-10-038  
**Date:** Wednesday, June 30, 2021 11:32:19 AM

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Dear Colleen,

I am writing to voice my opposition to the project PLN14-10531 on APN 336-10-038. Please confirm receipt of this email.

Before getting into the details of my opposition, I wanted to thank you for taking the time to talk with me last week. I understand from our discussion, that, *at the mutual consent of the Santa Clara County planning office and the applicant*, the recommendation of the July 1st hearing will be to issue a continuance until August 5th.

However, in the event the application unexpectedly gets approved at the July 1st hearing, or ends up "deemed approved", here are my concerns - to grant me the opportunity to bring them up in an appeal.

1.  
**Lack of safety of the proposed construction.** It endangers;
  - The ecosystem (flora and fauna) of the SummerHill Creek and Hale Creek, as banks will be impacted by the construction
  - Gronwall lane neighbors requiring emergency vehicles to access their property
  - Anyone who walks, drives or bikes on Gronwall lane during and after construction
  - Neighbors who live upstream or downstream on Hale Creek as they might be impacted by the modification of the creek banks
2.  
**The applicant is NOT facing hardship.** She is an experienced realtor who lived on neighboring lot 083 for over 20 years. She was fully aware, before taking on her project, that lot 038, given to her for free, was not buildable. The neighboring homeowners who pay considerable Property Taxes, and abide by

Water District Easements and Right Of Way imposed on their lot, are bemused by the consideration being given to the Applicant, owner of a lot generating virtually no property taxes. It is creating a concerning precedent.

Elements contributing to the concerns mentioned above:

- Construction of a 2-story building, on liquefaction grounds, without bedrock anchoring
- Reduced 5' setback on Gronwall lane
- Violation of Guidelines for construction near creeks: most of the construction is within 20' from the top of the creek
- Disputable and contradictory claims made by WaterWays Consulting in their report, supposed to show feasibility
- No clear plan to prevent bank erosion: unclear timing and feasibility for revegetation and likely need for hard-armoring of banks when other measures fail.
- Catastrophic impact on creek ecosystem
- Lack of SCVWD easements, SCVWD permits and Right of Way on lot 038
- Unsafe construction, in case of 100 year flood or earthquake
- Misrepresentation of the large oak size and inclination, on the building plans dated April 2021
- Disputable Net area of 5,359 sq ft
- Application of underlying lot FAR

Misrepresentation of Magdalena avenue as the front of the property on lot 038, strictly for favorable setbacks

- Absence of property taxes on lot 038
- Irrelevant Traffic study
- Insufficient drainage plans

One of my neighbors requested public files on June 17th 2021, as soon as we found out about the July 1st hearing.

As we won't get the files before July 12th, I reserve the right to add, to my Appeal list, new elements I might find in the files requested prior to any decision on the project.

Sincerely,  
Virginie Metivier  
1217 Gronwall lane  
APN 336-10-053

Cc:  
Nicola McMahon, 1215 Gronwall lane  
Laurie Hartford, 1223 Gronwall lane