

Ruemel Panglao

From: Patricia <patriciaylynn@yahoo.com>
Sent: Wednesday, September 9, 2020 12:24 PM
To: Camille Leung; Ruemel Panglao
Subject: Public Hearing Comments regarding Design Review and Proposed Negative Declaration, PLN2014-00490, September 10, 2020

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September 9, 2020

To: Ruemel Panglao, Design Review Officer, San Mateo County
Camille Leung, Senior Planner, San Mateo County
Katie Kostiuk, Coastside Design Review Committee
Rebecca Katkin, Coastside Design Review Committee
Christopher Johnson, Coastside Design Review Committee
Linda Montalto-Patterson, Coastside Design Review Committee
Beverly Garrity, Coastside Design Review Committee
Doug Machado, Coastside Design Review Committee
Mark Stegmaier, Coastside Design Review Committee

Regarding: Public Hearing Comments regarding Design Review and Proposed Negative Declaration, PLN2014-00490, September 10, 2020

Dear San Mateo County Officials and Design Review Committee Members,

Our neighborhood and environment are under threat. Many of us living in this little neighborhood enjoy the peace and natural beauty and have personally and frequently seen the endangered species, fauna, roaring intermittent and seasonal streams, and of course the magnificent heritage trees.

Since 2015, we learned about a proposed development at the end of East and 15th Street. The proposed development is a three story house located near the major Montara Creek. The house is to sit on top of at least 20 significant and heritage trees that are 75 to 100 years old. The removal of these trees does not conform to LCD chapter 8.9 nor section 12000 SMCO ordinance.

In 2015, we submitted to the SMCO signatures from over 117 taxpayers and residents of Montara and Moss Beach who signed a petition to oppose this ill conceived development.

We submitted a certified Biological Report dated March 17, 2015 raised many concerns and negative impact of this proposed project by on the riparian corridor, buffer zone, wetland, endangered species, significant and heritage trees.

We presented at the MCC hearing on March 12, 2015 with the community concerns. Midcoast Community Council's letter to Dennis Aguirre and Steve Monowitz of SMCO on April 8, 2015 also summarized and documented many public and professional concerns about this project and urged the county to explore alternatives other than allowing development on this site.

California Coastal Commission's letter to SMCO dated June 28, 2016, reiterated many of the same concerns about significant negative impact of this project on riparian corridor, wetland, buffer zone, endangered species, hydrology, significant and heritage trees, along with many other issues.

We disagree with the assessments presented in SMCO's August 17, 2020, NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION. We believe the report is incomplete as it either ignored or minimize the numerous environmental and code concerns we've raised over time.

Based on all of our collective community and professional submitted findings above, we find that the proposed project presents significant negative environment impact that cannot be mitigated.

1. The project will degrade the aesthetic quality of the neighborhood and cause significant negative impact on the peaceful enjoyment and privacy of the surrounding neighbors.
2. The project will cause a significant life and safety danger on the access of emergency and fire vehicles as 14th Street is too narrow and already over parked.
3. The project is in direct violation to Local Coastal Program Policies in the Permitted Use in Sensitive Habitats, Riparian Corridors, Wetland, and Buffer Zone.
4. The project will cause serious degradation of the quality of the environment, protected sensitive habitat, and hydrology.
5. The proposed project will cause irreparable damage to the natural beauty Of the forest, intermittent and seasonal streams.

Based on the County of San Mateo Local Coastal Program Policies June 2013, County of San Mateo Subdivision Regulations, December 12, 2017, San Mateo County Section 6564.1, Zoning Regulations, Design Review District, and San Mateo County, S-17 District, most categories should have been deemed **potentially significant impacts**, and not to be ignored as no impact or minimal impact. This proposed project should not proceed because of the improper subdivision and it is in direct conflict with the County of San Mateo Local Coastal Program Policies June 2013, County of San Mateo Subdivision Regulations, December 12, 2017, San Mateo County Section 6564.1, Zoning Regulations, Design Review District.

The submitted Biological Report dated March 17, 2015 stated that: "The proposed project potentially creates significant negative impacts therefore additional environmental review studies that would need to be assessed by the county and all appropriate agencies. Moreover, depending on the proposed development footprint and its relation to the creek and its top of bank/riparian habitat, it's possible the potential negative impacts could require a streambed alteration permit, per the CA Dept. of Fish & Wildlife....and/or a 404 permit from the US Army Corps of Engineers....and/or a permit from the State Water Resources Control Board....and/or a permit from the CA Coastal Commission, given the site's location." We stated that, given the existence of the riparian corridors adjacent to the site, a road cannot be accommodated without encroaching upon the riparian corridors and the buffer zone. It also stated that, the subject site is a densely forested area with riparian corridors and wetlands. **It would appear that due to the existence of riparian corridors, wetlands, endangered species and sensitive habitats would preclude development all together.**

This proposed project should not be allowed due to its close proximity to the Montara Creek riparian corridors, wetlands, endangered species, sensitive habitats and the extensive tree removal not consistent with SMCO County Ordinance Section 12000 on signifiant trees and LCP. (18 significant and heritage trees to be destroyed and many more potentially damaged.)

The proposed construction of a non-compliant road at the end of 14th Street to provide access to this proposed development should not be allowed due to its proximity to the Montara Creek riparian corridors, wetlands, endangered species, sensitive habitats and the extensive de-forestation proposed.

The undersized 14th Street is already over parked. Adding another Street and not providing sufficient access for emergency vehicles/fire access or a turn around will cause even more life and safety danger to all residents of the street.

The law governing paper streets does not allow East Street, a paper street, to be used solely for private benefit without the consent of the adjoining property owners. East street is a paper street on the county's recorded plan and is not to be developed, and accordingly, if the property owners abutting the street and the land do not agree to re-open the dormant unimproved street, the San Mateo County cannot unilaterally decide to grant an easement solely for the purpose of private use. Instead, an easement should be created for the benefit of the public over the "paper street," which is consistent to the Local Coastal Program Policies 7.4 Permitted Use in Sensitive Habitats, 7.9 Permitted Uses in Riparian Corridors, 7.10 Performance Standards in Riparian Corridors, 7.11 Establishment of Buffer Zones, 7.12 Permitted Uses in Buffer Zones, and 7.16 Permitted Uses in Wetlands. All of these sections and many more in the LCP call for protection of habitats, Riparian corridors for perennial and intermittent streams, minimize removal of vegetation, and specifically PROHIBITS structural development which will adversely affects the habitats, Riparian corridor and PROHIBIT the removal of trees and protect trees specifically for their visual prominence and their important scenic and scientific qualities.

Montara Creek is classified as a perennial creek by the most recent USGS maps and by other reports for projects along the creek (specifically, those by Citizen's Utilities). This classification would require a setback of 50' from the edge of the riparian corridor. The reference code and regulations are found in:

1) Bay Area Aquatic Resources Inventory (BAARI)

STANDARDS AND METHODOLOGY FOR STREAM NETWORK, WETLAND AND RIPARIAN MAPPING

2) WETLAND REGIONAL MONITORING PROGRAM (WRMP) San Francisco Estuary Institute, Revised August 9, 2011

We would like to ensure that all future development will not occur near and a the Montara Creek riparian corridors, not limited to East, 15th, and 16 Streets in Montara and Moss Beach. This area should not be CDP nor EIR exempt as the historical map is over 100 years old as the Creek has changed course significantly over time. The CDP and EIR process would require conformance with the applicable policies of the LCP and require comprehensive biological, environmental report and survey for locating the project in respect to the riparian corridor, sensitive habitats and other coastal resources on or near the parcel. These necessary processes will also appropriately coordinate with other pertinent State and federal agencies. This process will further demonstrate that this proposal and development along this environmental sensitive riparian corridor is not in conformance with LCP.

The proposed project also is in conflict with San Mateo County zoning regulations, Section 6565.1 Design Review Districts:

1. 28.1.32 Site Planning and Structural Placement- project shall integrate structure with the natural setting. The goal shall be to disturb as little vegetations as possible. Retain heritage and significant trees. SMCO should not allow the removal of 18+ significant and heritage trees when the regulations call for protection.
2. 28.1.34 Streams and other Drainage Features- Avoid building near all streams and natural drainage features. The project and the proposed roadway is adjacent to Riparian Corridors, Buffer Zones, intermittent and seasonal streams.
3. 28.1.37 Privacy - The proposed structure has detrimental impact on adjacent neighbors privacy.
4. 28.1.39 Views- The proposed structure, massing and density will negatively impact enjoyment of neighborhood views.
5. 28.1.41 Scale - The proposed structure is out of scale and proportion with the surrounding neighborhood.

In conclusion, we urge the San Mateo County to require an EIR to be conducted to properly assesses the negative environmental impact and work with the developer to find more suitable alternative infill sites that do not present the scale and magnitude of negative environmental impact as this particular site.

We urge this committee, SMCO work with CCC and other local, state, and federal agencies to re-assess the mapping of this area to preserve this vital regional watershed that connects from the Montara Mountain to the Pacific Ocean and Fitzgerald Marine Preserve. Cumulative Effect of development must be considered.

SMCO must work with CCC and other local, state, and federal agencies to ensure that all development projects follow the same due diligence and review process. None should be approved similar to this one without appropriate environmental reviews, due process, and community input.

We must preserve this wetlands and riparian corridor exclusively for park and recreational uses. This is consistent with the California Coastal Commission and the related Local Coastal Plan dated 2013. Look at what is already happening to the environment with the extreme temperatures and weather. We need to protect forests, wetland, Riparian Corridors not destruction purely for financial gain.

Sincerely,

Dr. David Lynn, PhD, AICP

Patricia Lynn, Licensed Architect