

Letter to SMCO

September 6, 2020

To: Camille Leung
San Mateo County Planning and Building Division
Redwood City, CA 94063

Re: Rebuttal to NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION, PLN2014-00490

Camille,

We had a chance to review your email dated August 17, 2020, and found the mitigated declaration for this proposed project inappropriate as it appears that you continue to ignore grave issues raised by environmental, planning, and building professionals, neighbors, and the public.

For the record, many of the submitted concerns and studies were either ignored or minimized. Specifically,

1) 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.

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

3) Midcoast Community Council's letter to Dennis Aguirre and Steve Monowitz of SMCO on April 8, 2015, documented many public and professional concerns about this project and urged the county to explore

alternatives other than allowing development on this site.

4) California Coastal Commission's letter to you 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 your NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION.

Based on the submitted findings above, we find that the proposed project does have significant negative environment impact:

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, the following categories should have been deemed **potentially significant impacts**, and not to be ignored as no impact or minimal impact. This proposed project should require at a minimum, a full Environmental Impact Report (EIR) or be completely stopped because of the improper subdivision and in direct conflict with the the County of San Mateo Local Coastal Program Policies June 2013, County of San

Specifically:

1.Aesthetics

1.a. Have a substantial adverse effect on a scenic vista, views from existing residential areas, public lands, water bodies, or roads? Yes absolutely. The potential negative impact to the environment and surrounding neighborhood is irreparable.

1.b. Substantially damage or destroy scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Yes absolutely. The potential negative impact to environment and the surrounding neighborhood is irreparable.

1.c. In non-urbanized areas, significantly degrade the existing visual character or quality of the site and its surroundings, including significant change in topography or ground surface relief features, and/or development on a ridgeline? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? Yes absolutely. The potential negative impact to the environment and surrounding neighborhood is irreparable.

1.d. Create a new source of significant light or glare that would adversely affect day or nighttime views in the area? The potential negative impact to the environment and surrounding neighborhood is irreparable.

1.f. If within a Design Review District, conflict with applicable General Plan or Zoning Ordinance provisions? Yes, proposed project is in direct conflict with the 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.

1.g. Visually intrude into an area having natural scenic qualities? This area is a beautiful natural wildlife sanctuary. The proposed development is calling for wiping out 18 or more significant or heritage trees not to mention many more that will be damaged in the process. The potential negative impact to the environment and surrounding neighborhood is irreparable.

4 Biological Resources

4.a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service or National Marine Fisheries Service? Yes, absolutely. The potential negative impact to the environment and surrounding neighborhood is irreparable.

4.b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? The potential negative impact to the environment and surrounding neighborhood is irreparable. This project is in direct conflict with the 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

4.c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? The potential negative impact to the environment and surrounding neighborhood is irreparable. The proposed project is in direct conflict with the 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

4.d. Interfere significantly with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites? The

potential negative impact to the environment and surrounding neighborhood is irreparable.

4.e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (including the County Heritage and Significant Tree Ordinances)? The potential negative impact to the environment and surrounding neighborhood is irreparable. The proposed project is in direct conflict with the 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,

4.f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or State habitat conservation plan? Yes, proposed project is in direct conflict with the 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

4.g. Be located inside or within 200 feet of a marine or wildlife reserve? Yes, the proposed project is within the riparian corridor and buffer zone.

4.h. Result in loss of oak woodlands or other non-timber woodlands? Yes, the proposed project is looking to obliterate at least 18 or more significant or heritage trees while potentially damage many more.

11. Land Use and Planning

11.a. Physically divide an established community? The proposed project will destroy the natural beauty of the forest scenery and replace it with an out of scale and out of character building.

11.b. Cause a significant environmental impact due to a conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect? The proposed project is in direct conflict with the 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,

11.c. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?The proposed project is in direct conflict with the 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,

15a Fire Service - The undersized 14th Street is already over parked. Adding another Street and not provide access to emergency vehicle or fire access or turn around will cause even more life and safety danger to all residents of the street.

17.a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and parking?The undersized 14th Street is already over parked. Adding another Street and not provide access to emergency vehicle or fire access or turn around will cause even more life and safety danger to all residents of the street. The law governing paper street does not allow it to be used solely for private benefit without the consent of 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 County cannot unilaterally decide to give the 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.

17.b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Criteria for Analyzing Transportation Impacts? The undersized 14th Street is already over parked. Adding another Street and not provide access to emergency vehicle or fire access or turn around will cause even more life and safety danger to all residents of the street. The law governing paper street does not allow it to be used solely for private benefit without the consent of 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 County cannot unilaterally decide to give the 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.

17.c. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? The undersized 14th Street is already over parked. Adding another Street and not provide access to emergency vehicle or fire access or turn around will cause even more life and safety danger to all residents of the street. The law governing paper street does not allow it to be used solely for private benefit without the consent of 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 as to re-open the dormant unimproved street, the County cannot unilaterally decide to give the 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.

17.d. Result in inadequate emergency access? Yes absolutely. The undersized 14th Street is already over parked. Adding another Street and not provide access to emergency vehicle or fire access or turn around will cause even more life and safety danger to all residents of the street

21.a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Yes, absolutely. The potential negative impact to the environment and surrounding neighborhood is irreparable.

21.b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively consider- able" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) The potential negative impact to the environment and surrounding neighborhood is irreparable.

21.c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? The potential negative impact to the environment and surrounding neighborhood is irreparable. This project will cause harm to the peaceful enjoyment and privacy of surrounding neighbors (human beings).

As for Responsible Agencies that have jurisdiction over this development. Many listed here should have review and approval authority. The list should include but not limited to: Coastal Commission, National Marine Fisheries Service,

Regional Water Quality Control Board, San Francisco Bay Conservation and Development Commission (BCDC), Sewer/Water District: MWSD, State Department of Fish and Wildlife, State Department of Public Health, State Water Resources Control Board, The Sierra Club, Army Corps of Engineers.

Furthermore, the county record shows that the parcel in question had been subdivided from a larger legal parcel to satisfy a tax default in years past. As such, it does not appear the subdivision had been done according to the San Mateo County Subdivision Regulations, most recent edition dates December 12, 2017 because it is in conflict with many sections of the regulations not limited to:

2.11 5a) significant trees and heritage trees..avoid negative impacts to the health and longevity of the trees. SMCO should not allow the removal of 18 + significant and heritage trees.

2.11 5b) streams, wetland, Buffer zone... need to be in compliance with LCP, State and federal requirements including compliance with National Marine Fisheries Service Rules. SMCO cannot unilaterally deciding without coordination or approval from other agencies having jurisdiction?

2.14 d3) preservation of trees SMCO should not allow the removal of 18+ significant and heritage trees when the regulations call for protection.

2.26 5) The subdivision or proposed improvement shall not cause substantial environmental damage. An EIR must be prepared.

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 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 will negatively impact enjoyment of view. Reduce mass and density

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, stop the project, and work with the developer to find more suitable alternative infill sites that do not present the scale and magnitude of negative environmental impact.

Sincerely,

Patricia Lynn, Licensed Architect

David Lynn, AICP

Cc:

Don Horsley, SMCO Board of Supervisors

Mike Callagy, SMCO Manager

Peggy Jensen, Deputy SMCO Manager

Jim Eggemeyer, Director, SMCO Office of Sustainability

Jim Porter, Director of Public Works, SMCO

Dan Carl, District Director, California Coastal Commission

Jeannine Manna, District Manager, California Coastal Commission

Steve Monowitz, Director, SMCO Community Planning