

San Mateo County
Planning & Building Department
Director Steve Monowitz
455 County Center
Redwood City, CA 94063

October 28, 2021

RE: 634 Palomar Dr. PLN-2020-00251

Dear Mr. Monowitz,

The Palomar Owners' Association represents over 300 property owners within the subdivision of Palomar Park. Some of our property owners have an abundance of challenges with their properties here in Palomar Park. We are a hillside community within the Very High Fire Severity Zone. Hazardous fire fuels, limited evacuation routes, drainage, erosion, unmaintained roadways, natural springs, landslides, septic failures and leach field percolation issues are just a few of the major ongoing issues our owners deal with on a regular basis.

It is well known by residents of Palomar Park that the vacant parcel at 634 Palomar Dr. and the neighboring parcels on Los Cerros, Loma Ct. and Loma Rd. have a long and destructive history of major landslides and hydrologic issues. Some of the landslides have caused major damage to structures, properties and multiple public roadways. There have also been specific issues with public health and safety during these landslides. There is SMC historical documentation that two homes have been previously destroyed on the 634 Palomar and Los Cerros parcels due to landslides. The most recent reoccurring landslides were in 2017 and 2018 at 634 Palomar Dr. and along adjacent hillsides of Los Cerros and Loma Ct. There is documented significant damage to public roadways, structures, vacant land and property significantly downhill from these most recent landslides. Each of these recent landslides were repaired under a separate SMC Planning & Building permit as well as a SMC Public Works encroachment permit.

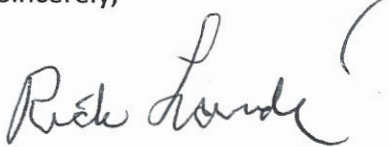
There is a documented prolific spring that flows from Loma Rd. down through the hillside of Palomar Park and daylights in various parcels along Loma Ct., Palomar Dr. and Los Cerros. The prolific spring is flowing and visible throughout the entire year and even now during a drought there is active water flow. The spring water flows underground like a river and daylights in various places making its way to our steep canyon creeks and drainages and eventually reaches the bay.

It seems unconceivable that with the knowledge of existing substantial documentation, reports, professional recommendations and historical SMC documentation that SMC Planning & Building and SMC Environmental Health would even consider the development of a single-family home within such a volatile hillside and endanger and compromise further the adjacent unstable hillsides, neighboring and downhill structures and properties, public safety, and even water quality of our natural spring. Furthermore, the fact that SMC Planning has allowed a major grading violation on

634 Palomar Dr. to be left uncured for years, allowing it to impact a large neighboring retaining wall is an act of negligence by SMC Planning & Building.

We would like to understand your reasoning for ignoring numerous historical and current information regarding geological and hydrological information associated with the unstable land masses and multiple destructive landslides, and your intention as how this relates to permit application PLN-2020-00251. We understand that the goal of the SMC General Plan is to infill all undeveloped parcels of land for housing, however doing so in a negligent manner and turning a blind eye to obvious foreseeable significant impacts to many neighboring structures and properties, water quality, public safety and our public roadways is not acceptable. The Palomar Owners' Association would like to be kept apprised of this planning application as well as any other applications within our subdivision. Please mail any notices or project documentation to: PPO 419 Palomar Dr. Palomar Park, CA 94062 or email to Palomarnews@gmail.com

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Landi", with a large, sweeping flourish extending from the end of the name.

Rich Landi, President
Palomar Park Owners' Association

Cc.

Camille Leung, SMC Senior Planner
Kelsey Lang, SMC Planner
David Schrier, Cotton, Shires & Assoc.
Don Horsley, SMC Board of Supervisors
Greg Smith, Supervisor Environmental Health
Heather Forshey, Director Environmental Health

October 14, 2021

San Mateo County
Planning & Building Department
Camille Leung, SMC Planner
455 County Center
Redwood City, CA 94063

RE: CEQA 634 Palomar Dr. PLN-2020-00251

Dear Ms. Leung,

The owners of the vacant parcel at 634 Palomar Dr. in Palomar Park have submitted an application for a single-family home which is under SMC Planning review PLN -2020-00251. This parcel is within the 300 property, hillside subdivision known as Palomar Park. This subdivision is a very sensitive and unique community due because there currently is no sewer system within the subdivision and all the improved parcels rely on an OWTS for all sewage sanitation. The majority of the roads within Palomar Park are nonconforming and many are unmaintained by SMC Public Works. There are no storm drain systems within the subdivision and seasonal canyon drainages collect stormwater and domestic runoff. Palomar Park contains steep hillside properties many with a 2.1 or 3.1 slope ratio. Stormwater and other domestic run off is dispersed through individual owned above ground flexible and solid plastic drainage pipes which are mostly positioned away from structures in a down hill manner. Many of these drainage devices are positioned to flow directly into the roadway to protect properties and structural foundations from erosion. This is by no means a current approved SMC standard and often creates problems for downhill residents, and automobiles with shearing of water across roadways and erosion of the paved roadway. The entirety of Palomar Park is also within the Very High Fire Severity Zone as indicated by Cal Fire and the Department of Forestry. Most of the parcel at 634 Palomar is a 3.1 slope and there is current violation for previous illegal grading which is impacting a neighboring property's retaining wall. The parcel sustained a major landslide in 2018 which impacted many downhill neighbors and the public roadway as mud and water run off flowed downhill and caused erosion. A substantial public health and safety issue existed for many months due to the magnitude, proximity to an arterial roadway and volatility of the landslide and the prolific hydrologic properties. The illegal grading and previous site work has already created collateral impacts on downhill properties related to watercourse changes.

The parcel has changed hands many times over the last 5-10 years and the current owners are under planning permit review with your department as well as with SMC Environmental Health for an OWTS. It is my understanding that at the time of any specific application for a permit to allow residential development, such future development will be subject to the applicable level of review under the California Environmental Quality Act (CEQA). The lead agency has been determined to be the SMC Planning and Building Department. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. In a non-discretionary format, if there are one or more potentially "Significant Impact" entries when the determination is made, an EIR is required.

It has been brought to my attention that the applicant, their civil engineer, and geologist have not provided critical information, which is a violation of the SMC Environmental Health Ordinance, for the Onsite Water Treatment System, (OWTS) review. Furthermore, a multitude of critical environmental impacts, indirect critical impacts and significant potential collateral impacts have been documented related to the potential development of a single-family dwelling on this parcel. These indirect and cumulative impacts include geology and soils, hydrology and water quality, utility and service systems as well as public health and safety hazards. All of these significant impacts will affect my property as well as my surrounding neighbors. Even though I would not be able to see the home as proposed on the site from my property, it is the grading and the OWTS that pose the indirect and cumulative threat to my adjoining parcel.

The Supreme Court has upheld that “agencies subject to CEQA *generally* are not required to analyze the impact of existing environmental conditions on a project’s future users or residents. When a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the *project’s* impact on the environment — and not the *environment’s* impact on the project — that compels an evaluation of how future residents or users could be affected by exacerbated conditions. The Court began its analysis by restating the well-known principle guiding interpretation of CEQA: “afford the most thorough possible protection to the environment that fits reasonably within the scope of its text. Section 15126.2(a) states that a CEQA review must analyze not just impacts that a project might cause, but also existing hazards that the project might make worse. This clarification implements the Supreme Court’s holding in the *CBIA* case. (62 Cal. 4th at 377 (“when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users”). In this context, an effect that a project “risks exacerbating” is similar to an “indirect” effect. Describing “indirect effects,” the CEQA Guidelines state: “If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment.” (State CEQA Guidelines § 15064(d)(2).) Just as with indirect effects, cumulative concerns can be closely related past, present and or reasonably foreseeable. (*Id.* at subd. (d)(3). Concurrently, (Gov. Code § 65302(g)(1). requires the safety elements of local general plans also describe potential hazards, including: “any unreasonable risks associated with the effects of slope instability leading to mudslides and landslides; subsidence; liquefaction; and other geologic hazards known to the legislative body.

Likely much of the CEQA information I have provided is a review only for the SMC Planning and Building Department. What is likely not review, but critical new information I am including as attachments. This includes a summary of existing environmental factors and potential significant impacts and cumulative impacts that are directly associated with the development of a single-family home on this parcel. All this information is substantiated with sourced documentation.

If you should have any questions regarding the attached documentation or reports, please reach out to me. Please confirm you have received this information and the status of the SMC Planning & Building CEQA review for this Planning permit.

Sincerely,

Denise Enea

Denise Enea

*738 Loma Ct.
Redwood City, CA
94062*

Cc. Steve Monowitz, Director
Lennie Roberts, Committee for Green Foothills
David Schrier, Cotton, Shires & Assoc.
Kelsey Lang, SMC Planner
Rich Landi, Palomar Park Owners Assoc.
Don Horsley, SMC Supervisor