

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

DATE: May 27, 2009

TO: Planning Commission

PROJECT FILE

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of Design Review and Grading Permit, to allow construction of a 5,364 sq. ft. single-family residence with an attached 635 sq. ft. garage, grading in the amount of 985 cubic yards, and removal of 12 trees on a 20,001 sq. ft. parcel located on Estrada Place in the unincorporated Palomar Park area of San Mateo County. (Appeal of the recommendation by the Bayside Design Review Committee and final decision by the Community Development Director for approval).

PROPOSAL

The applicant is proposing to construct a 5,364 sq. ft. single-family residence on a 20,001 square foot parcel. Construction requires 985 cubic yards of grading and the removal of 12 significant trees.

RECOMMENDATION

That the Planning Commission deny the appeal and uphold the Bayside Design Review Committee's (BDRC) recommendation and the Community Development Director's final decision to approve the project by making the findings and adopting the conditions of approval as shown on Attachment A, pursuant to Section 6565.3 of the San Mateo Zoning Regulations and Section 8602 of the County Ordinance Code.

SUMMARY

The applicant submitted a Design Review application for a new single-family residence on December 12, 2005. The Design Review application is reviewed by the Bayside Design Review Committee (Committee). The project also requires a grading permit, which must be approved by staff. Section 6565.7.B. of the Zoning Regulations details the process when a design review project requires another permit, to be acted on by a body such as the Community Development Director, then the action by the Design Review Committee shall be in the form of a recommendation to the decision maker on the other permit. The section continues, in such cases, the decision-maker may refer any revisions to the design of the project back to the Design Review Committee for further recommendation prior to taking action on the project.

000001

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: May 27, 2009

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of Design Review and Grading Permit, pursuant to Section 6565.3 of the San Mateo County Zoning Regulations and Section 8602 of the County Ordinance Code, to allow construction of a 5,364 sq. ft. single-family residence with an attached 635 sq. ft. garage, grading in the amount of 985 cubic yards, and removal of 12 trees on a 20,001 sq. ft. parcel located on Estrada Place in the unincorporated Palomar Park area of San Mateo County (appeal of the recommendation by the Bayside Design Review Committee and final decision by the Community Development Director for approval).

County File Number: PLN 2005-00603 (Ehteshami)

PROPOSAL

The applicant is proposing to construct a 5,364 sq. ft. single-family residence on a 20,001 sq. ft. parcel. Construction requires 985 cubic yards of grading and the removal 12 significant trees.

RECOMMENDATION

That the Planning Commission deny the appeal, and uphold the Bayside Design Review Committee's (BDRC) recommendation and the Community Development Director's final decision to approve the project, by making the findings and adopting the conditions of approval as shown on Attachment A pursuant to Section 6565.3 of the San Mateo Zoning Regulations and Section 8602 of the County Ordinance Code.

BACKGROUND

Report Prepared By: Erica D. Adams, Bayside Design Review Officer, Telephone 650/363-1828

Report Reviewed By: Lisa Aozasa, Senior Planner, Telephone 650/363-4852

Owner/Applicant: Babak and Shahla Ehteshami

Appellants: Kurt Oppenheimer and James Goodrich

Location: Estrada Place, Palomar Park

000003

APN: 051-022-420

Parcel Size: 20,001 sq. ft.

Existing Zoning: R-1/S-91/DR (Single-Family Residential/10,000 sq. ft. minimum parcel size/Design Review)

General Plan Designation: Medium-Low Density Residential (2.4 to 6.0 dwelling units per acre)

Sphere-of-Influence: City of San Carlos

Existing Land Use: Vacant

Water and Sewer Services: California Water Service and Individual sewage disposal system

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone C, Areas of Minimal Flooding, Community-Panel No. 0603110250 B, dated July 5, 1984.

Environmental Evaluation: Categorically exempt from CEQA pursuant to Section 15303, Class 3, construction of a new small structure in an urban area.

Parcel legality: The existing parcel was created by a 2004 lot line adjustment which created the subject 20,001 sq. ft. parcel and an adjacent 25,689 sq. ft. parcel (APN 051-022-430).

Setting: The project site is located in the unincorporated community of Palomar Park, at the termination of Estrada Place. The site is adjacent to parcels developed with single-family residences, with the closest one being approximately 75 feet to the southeast of the project site. The subject property is currently vacant except for numerous trees. The site has an average slope of 43%. The area is not served by community sewer services, and requires an individual septic system.

DISCUSSION

A. PREVIOUS ACTION REGARDING SUBJECT PROPERTY

Planning case number PLN 2001-00128, a lot line adjustment to reconfigure two lots owned by the Ehteshamis, was approved March 18, 2004. The resulting parcels are the subject parcel, which is 20,001 sq. ft. and is vacant, and the adjacent parcel, which is 25,689 sq. ft. and is developed with a single-family residence and a guesthouse.

B. PREVIOUS ACTION REGARDING CURRENT PROPOSAL

Summary of Previous Actions

The applicant submitted a Design Review application for a new single-family residence on December 12, 2005. The Design Review application is reviewed by the Bayside Design Review Committee (Committee). The project also requires a grading permit, which must

be approved by staff. Section 6565.7.B. of the Zoning Regulations details the process when a design review project requires another permit, to be acted on by a body such as the Community Development Director, then the action by the Design Review Committee shall be in the form of a recommendation to the decision maker on the other permit. The section continues, in such cases, the decision-maker may refer any revisions to the design of the project back to the Design Review Committee for further recommendation prior to taking action on the project.

The Committee reviewed the design review proposal for the single-family residence on May 3, 2006, February 7, 2007, and May 2, 2007. At each hearing additional information and modifications were requested. On June 6, 2007, the Committee heard a revised proposal and recommended approval of the project to the Community Development Director (Director). The Director made the required findings for the Design Review application and the associated grading permit, and granted final approval on October 1, 2007.

On October 11 and 12, 2007, the project was appealed by two individuals, Kurt Oppenheimer and James M. Goodrich, respectively. Mr. Oppenheimer appealed on the basis that (1) the project does not meet the Palomar Park Design Review standards, and (2) geotechnical concerns were not addressed. Mr. Goodrich appealed on similar grounds, stating that the final approval by staff did not support the Committee's conclusion and that more geotechnical engineering analysis needs to occur.

In response to the appeal, the applicant hired a new geological consultant to evaluate the site and specifically address issues raised in the appeal letters. The applicant submitted two geotechnical studies. Both studies have been reviewed by the County Geologist and meet the standards necessary for a recommendation of approval. Additional comments have been received by the appellants challenging the validity of these reports. These concerns have been reviewed by County's Geological Section (Section) and do not address new issues, or change the Section's determination.

Initial BDRC Meeting on May 3, 2006

At the initial Design Review public hearing on May 3, 2006, the Committee expressed concerns about inconsistencies between the survey and site plan. The Committee continued the meeting and required the applicant to revise their plans. Specifically, a new survey was requested, a revised site plan based on this survey was requested, a proposed 13-foot high retaining wall was to be eliminated, and a request was made to reconsider the proposed design with respect to the architectural style, massiveness, step design, and color scheme.

Subsequent BDRC Meeting on, February 7, 2007

The majority of the February 7, 2007 hearing focused on inaccuracies with the submitted survey and plans. This issue was raised in a letter dated January 31, 2007 from Kurt Oppenheimer (Attachment H), which stated that the project was over maximum height

limits in several locations. Other discussions by the Committee were regarding the accuracy of the trees depicted on the site plan and tree protection.

The hearing was continued so the applicant could address the plan errors. The survey that was submitted did not represent the existing topography, which included grading work done in 1999 after a heavy rain season. The applicant was instructed to resolve the topographic discrepancies on the plan by providing a new survey, revise the proposed elevations and proposed structure height relative to the existing grading, and accurately locate trees on the site plan. Along with a new survey, a supplemental arborist report which would detail the health of nine trees identified to be removed was required for the next hearing. The Committee also requested greater attention to preservation of trees and that the outline of the house be staked (corners).

Subsequent BDRC Meeting on May 2, 2007

On May 2, 2007, the Committee reviewed the submitted materials and continued the hearing. After review of, and expressing dissatisfaction with two arborist reports which stated that numerous trees were recommended for removal, the Committee requested a third arborist to look at saving the trees. A request was made to correct an erroneous grading cut line on the plans, and provide clarification on the grading amounts. A study regarding the privacy between the rear of the Oppenheimer's residence and the proposed building was requested.

BDRC Action on June 6, 2007

On June 6, 2007, the Committee reviewed the submitted materials and took testimony from the public. The Committee consisted of John Day, Chair of the Bayside Design Review Committee, and Douglas Snow, the Chair of the Coastside Design Review Committee to achieve a quorum. This substitution was necessary because, at the time of the hearing, the Board of Supervisors had not appointed a new Committee member. In addition, Shahla Ehteshami was the Community Representative to the Bayside Design Review Committee for Palomar Park, and was not able to act on the application.

Discussion at the hearing was focused primarily to address the outstanding issues from the prior meeting, and identified in the May 8, 2007 decision letter (Attachment E). Public testimony was given by numerous community members who expressed opposition to the project by summarizing their submitted letters (Attachment F). The Committee members disagreed with some of the concerns raised in the letters about similarity between designs and adherence to design standards. In addition, a statement was made to clarify allegations for the record, specifically that the project was on track for approval because a certain amount of money had been invested to this point in the process.

The Committee recommended some changes as conditions of approval, and determined that with these alterations, that the project would comply with the Design Review Standards for Palomar Park Bayside District, Section 6565.16 of the San Mateo Zoning Regulations. The Committee's recommended changes include elimination of a chimney, frosting the glass of a bathroom window, addition of quoins, and tree protection measures.

The conditions of recommended approval are detailed in the decision letter (Attachment G).

Final Approval of Permits on October 1, 2007

The grading plan submitted for a grading permit was based on a geotechnical study prepared by a civil engineer and reviewed by the Geotechnical Section of the Planning and Building Department and the Department of Public Works. The grading plan submitted at the June 6th meeting had a revised grading amount of 830 cubic yards. Staff found that the grading plan conformed to the San Mateo County Grading Ordinance and Significant Tree Ordinance. On October 1, 2007, a final decision letter, upholding the recommendation for approval of the Design Review application by the Committee and approving the Design Review and Grading Permit, was issued by the Community Development Director.

Filing of Appeal on October 11, 2007 and Subsequent Planning Commission Hearing

Two adjacent property owners, Kurt Oppenheimer and James Goodrich, appealed the approval on October 11, 2007 and October 12, 2007, respectively. Both appellants argued that there was insufficient geotechnical evaluation of the site and that the project did not meet the design review standards for step design and proposed removal of trees.

In the time between the filing of the appeal in 2007, and this May 27, 2009 Planning Commission hearing, there was a change in Planning staff which included the resignation of the Design Review Officer who worked on the project and the appointment of a new one. Additionally, to address the concerns raised in the appeal letters, the applicant conducted a second geotechnical study for the site. This study could only be completed outside of the rainy season and a report was completed and received for review in April 2008. The County's geotechnical section reviewed the report in May 2008, and was satisfied with the conclusion about the stability of the site. These items, in addition to the volume of materials to be reviewed to prepare the report, were factors in the extended time frame for the appeal hearing.

A complete discussion of the stated reasons for appeal along with the Committee's and staff's findings for approval are detailed in the discussion below.

C. APPELLANTS' BASIS FOR APPEAL

1. Kurt Oppenheimer's October 11, 2007 appeal letter

The letter states that the design review standards for Palomar Park were not observed.

- a. The appeal letter states that the project failed to meet several significant standards for design in Palomar Park, specifically: (1) site planning (tree removal, minimization of alteration of topography, and privacy), (2) architectural styles, (3) building shapes and bulk, and (4) paved areas.

Staff Response: (1) *Site planning* - Section 6565.15.A. of the San Mateo County Zoning Regulations refers to site planning standards in Palomar Park.

These standards include that the design accomplish the following: minimize tree removal, minimize alteration of the natural topography, respect the privacy of neighboring houses and outdoor living areas, minimize the blockage of sunlight on neighboring buildings, and minimize alteration of streams and natural drainage channels. The project was found to meet these standards by the Committee and staff based on the following analysis.

Tree removal - The entire site is being used to support the proposed development. The driveway, or "treeless area" that is referred to in Mr. Oppenheimer's letter cannot accommodate the proposed residence since the 20-foot front yard setback and 20-foot rear setback would still force the house into steeper areas of the property. The parcel has little area with slopes of less than 20%, which is the maximum incline allowed for a driveway. An individual sewage disposal system with a leach field is required to develop this site, and is proposed to be located in the front half of the parcel where there are fewer trees. This front area of the site meets the 50 percent or less slope requirement by the Environmental Health Department, and is located downhill of the proposed house. Siting the residence elsewhere on the property would not only require the removal of trees to install the leach lines, but would also require an engineered sewage disposal system to be installed. Relocating certain aspects of the development will not significantly change the number of trees to be removed.

The applicant had three arborist reports prepared, and the appellant had one prepared for the site to evaluate the health of trees and to propose methods to preserve as many trees as possible. The applicant's first arborist report analyzed the health of 35 of the 48 trees on the site and recommended removal of 17 trees, many of which were indicated to have declining health. Committee members questioned the high rate of recommended tree removal, stated that a tree's "decline" may be over decades and should not be used to remove additional trees, and finally asked for additional evaluation of the health of some trees. Two subsequent arborist reports evaluated the health of specific trees on-site.

The initial plans did not indicate all of the trees to be removed. The existing plans show 12 trees in the footprint of the proposed development which are proposed for removal. Four trees are in the footprint of the driveway, four trees are in the footprint of the house, and four trees are just outside of the footprint of the house, but too close to save. The replacement policy in Palomar Park is 1-to-1, however, the Committee recommended, and the applicant agreed, to replace the trees at a 2-to-1 ratio.

Alteration of topography - Grading is required on the site to create a pad for the house. Two of the four cross sections for the proposed residence show minimal alteration of the existing grade. The other two section profiles show grading is required for one room, but not the entire width of the house. If the residence had been placed on existing grade, fill would have been necessary instead of excavation, and the residence would have a higher elevation profile than is

proposed. The applicant's final plans show 830 cubic yards of grading, which is 155 less than the 985 cubic yards which was approved. Additionally, there is no proposed grading in streams, nor modification in the grade on-site which will change drainage patterns, or is not addressed with on-site runoff water collection and retention measures.

Privacy - Between the proposed residence and the Oppenheimer's residence there is an approximate 30-foot descent in elevation and approximately 80 feet in distance. The applicant has proposed a six-foot high fence along the rear of the property which will also assist in providing privacy. With a fence height exception, the fence could be raised an additional two feet. Finally, frosted glass is proposed for the bathroom windows.

There are numerous trees between the Oppenheimer's residence and the proposed site which create a screen for privacy. Staff finds that this combination of site features and design considerations ensure adequate privacy to allow the project to meet the design review standards.

(2) *Architectural styles* - The Design Review Committee commented that there are no houses visible in the immediate area which would conflict with the proposed style, and that all other residences were constructed more than 22 years ago. Staff concurs with the Design Review Committee that the style of the residence is, therefore, compatible with the surrounding community.

(3) *Building shape* - A proposed wine cellar utilizes an area underneath the ground floor of the house. This portion of the building steps down. In addition, the front façade of the building appears to step down with the grade. The Committee did ask the applicant to redesign the initial proposal. The residence was redesigned and submitted at the second hearing and no formal requests related to further step-design or the size of the house were made in subsequent hearing decision letters.

The appellant states that the house is too large since it will have only minimum setbacks. However, there is no design review standard which prohibits utilization of the minimum setbacks. There are no exceptions requested with this application to the existing zoning regulations. Neither the floor area ratio nor lot coverage is exceeded.

(4) *Paved areas* - The project does include the extension of Estrada Place to the subject property. This accounts for nearly 1,000 sq. ft. of the paved area referenced in the appeal letter. San Mateo County road guidelines require a minimum 12-foot road width. The Fire Department requires enough space to accommodate a turnaround and has approved the submitted design.

- b. The appeal letter states that the project fails to meet standards for the protection of trees and vegetation.

Staff Response: The lot coverage for the building is approximately 20%, and the individual sewage disposal system will occupy approximately 5,000 sq. ft. of area. Therefore, for development to occur on the site, trees will have to be removed. There are 48 trees on the site and 12 are proposed to be removed, leaving 75% of the trees remaining on the site. Many of the trees around the perimeter of the site are proposed to be preserved and will continue to provide a visual buffer between surrounding properties.

- c. The appeal letter states that the project failed to receive a BDRC approval recommendation that was truly a majority consensus and which was made despite an increasing amount of opposition.

Staff Response: Doug Snow, Chair of the Coastside Design Review Committee, participated in the final public hearing as a decision maker to allow the project to move forward in a timely manner, and not be delayed by the future appointment by the Board of Supervisors of a new Committee member. The appeal letter implies that Mr. Snow “deferred to Mr. Day’s wishes.” However, Mr. Snow merely stated that he did not want to undo the decision making process that occurred at three prior hearings over the prior year and a half, and which had narrowed the design review approval process to a few outstanding items. The final vote for the project was two ayes and no neighs, and there is no reason to conclude that the decision did not reflect the Committee’s independent judgment.

- d. The appeal letter states that the project fails to incorporate major geotechnical issues and requirements into the grading plan rendering it and the Grading Permit incomplete.

Staff Response: As previously stated, subsequent to the final decision and appeal, the applicant submitted an additional geotechnical study which evaluated the proposed site of the residence and concerns raised by the appellants. Both geotechnical studies were reviewed by the County’s Geotechnical Section, and all questions and issues were addressed by the consultant.

2. **The October 11, 2007 letter from Mr. Goodrich**

Mr. Goodrich’s letter identifies many of the same concerns raised by, and addressed in the response to Mr. Oppenheimer. Mr. Goodrich’s appeal focused on adherence to design review standards and geotechnical evaluations associated with the grading and septic system. The letter states that the architectural style is incompatible with the surrounding residences due to its massiveness, and that the footprint of the house is not terraced.

Mr. Goodrich’s letter states that the proposed house is twice the size of neighboring residences. The allowable size of the residence is dictated by the zoning standards. The proposed residence does not exceed the allowed floor area ratio or lot coverage.

As previously stated, residences on adjacent properties are more than 22 years old and are not in close proximity to the project site.

Additionally numerous references were made to the instability of the property. Specifically the letter identified the following two reasons for the appeal.

- a. "The record from public hearings does not support the Design Review Committee conclusion, adopted by staff, that the proposed structure conforms to Palomar Park design guidelines."

Staff Response: The project was altered at every meeting to address the Design Review Committee's comments. A change which directly addressed Committee comments may have also indirectly diminished or eliminated a separate concern. The final vote by the two Committee members was a consensus for a recommendation of two ayes and no neighs.

- b. "A comprehensive engineering analysis needs to be provided demonstrating that the total impact of the proposed project will not further damage this very unstable property."

Mr. Goodrich's letter contains numerous concerns about the stability of the site. Mr. Goodrich has also submitted subsequent letters which challenge the geotechnical evaluation of the site. The applicant in response to these concerns, had a second geotechnical study performed on the site. In addition the applicant's geotechnical consultant responded to Mr. Goodrich's subsequent letters. Both geotechnical studies and all response letters were reviewed by the County's Geotechnical Section. The Section is satisfied with the reports from both consultants with respect to the location of the proposed development.

The Environmental Health Department has evaluated the adequacy of the proposed septic system and percolation tests have been performed on the site. The project complies with Environmental Health policies for an individual sewage disposal system.

D. PROJECT COMPLIANCE WITH COUNTY REGULATIONS

1. Conformance with the General Plan

The General Plan contains an overarching goal, Visual Quality Policy 4.4, for the appearance of rural and urban development to "Promote aesthetically pleasing development." The General Plan then calls for the establishment of guidelines for communities to achieve these goals. The establishment of the Design Review chapter in the San Mateo County Zoning Regulations is the mechanism which fulfills this directive.

Based on the discussion in the prior section provides information about how the project complies with the Palomar Park design standards, staff has determined that

the project also conforms to specific General Plan Policies, in particular Policies 4.14 (*Appearance of New Development*) and 4.35 (*Urban Area Design Concept*) that require structures to promote and enhance good design, improve the appearance and visual character of development in the area by managing the location and appearance of the structure.

2. Conformance with Zoning Regulations

The project is in compliance with the R-1/S-91 Zoning Regulations.

Development Standards	Zoning Requirements	Proposal
Building Site Area	10,000 sq. ft.	20,001 sq. ft.
Building Site Width	50 ft.	50 ft.
Minimum Setbacks		
Front	20 ft.	26 ft.
Rear	20 ft.	20 ft.
Sides	10 ft.	10 ft.
Lot Coverage	6,000 sq. ft. (30%)	3,626 sq. ft. (18%)
Building Floor Area	5,600 sq. ft. for residence 400 sq. ft. garage allowance	5,999 sq. ft. (30%)* 5,364 sq. ft. proposed for house 635 sq. ft. proposed for garage
Building Height	28 ft.	28 ft.
Minimum Parking	2 covered spaces	3 covered spaces
*Indicates total of all floor and the garage.		

3. Conformance with Design Review Regulations

The project complies with Design Review Standards as discussed in Section C of this staff report.

4. Conformance with the Grading Ordinance

The Commission must be able to make the following findings in order to issue a grading permit for this project.

- a. That the granting of the permit will not have a significant adverse effect on the environment.

The grading plan is based on two independent, but concurring geotechnical studies and has been reviewed by the Department of Public Works. In addition, there are numerous regulations and conditions of approval which will ensure that there is not an adverse effect on the environment.

- b. That the project conforms to the criteria of Chapter 8, Division VII of the Grading Ordinance, including the standards referenced in Section 8605.

The proposed grading will be subject to standard conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance. Erosion and sediment control measures have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval and implemented on the site. The proposed grading plan was prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works. Grading is only allowed during the period between April 15 and October 15.

- c. That the project is consistent with the General Plan.

As discussed in the General Plan Compliance Section of this report, the project, as conditioned, complies with all applicable General Plan goals and policies.

E. ENVIRONMENTAL REVIEW

The project is categorically exempt from CEQA pursuant to Section 15303, Class 3(a), construction of a single-family residence, in a residential zone, within an urbanized area.

F. ALTERNATIVES

If the Commission finds that modifications to the proposal are needed to bring the project into compliance, the Commission may request a continuance to allow the changes to be incorporated into the plans and evaluated by staff before being presented before the Commission at a subsequent hearing.

Alternatively, the Commission may uphold the appeal, and deny approval of the proposal as presented.

G. REVIEWING AGENCIES

1. Department of Public Works
2. Building Inspection Section
3. Geotechnical Section
4. Cal-Fire
5. Environmental Health Department
6. Palomar Park Property Owners Association

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Appeal Submittals
 - 1. Appeal letter from Kurt Oppenheimer dated October 11, 2007
 - 2. Appeal letter from James Goodrich dated October 11, 2007
- C. Parcel Map and Original Project Plans Submitted for the May 3, 2006 Bayside Design Review Committee Meeting
- D. Revised (Approved) Project Plans Submitted for the June 6, 2007 Bayside Design Review Committee Meeting
- E. BDRC decision letters dated
 - 1. May 4, 2006
 - 2. February 8, 2007
 - 3. May 8, 2007
 - 4. June 13, 2007
- F. Correspondence from June 6, 2007 BDRC hearing
- G. Community Director final decision letter dated Oct. 1, 2007
- H. Oppenheimer letters dated:
 - 1. January 31, 2007
 - 2. June 26, 2007
 - 3. April 28, 2008
 - 4. August 10, 2008
- I. Joseph Goodrich letters dated:
 - 1. June 24, 2007
 - 2. April 19, 2008
 - 3. February 9, 2009
 - 4. February 28, 2009
- J. Geotechnical information:
 - 1. Geotechnical report dated March 2008
 - 2. Geotechnical review report dated May 20, 2008
 - 3. Geotechnical report dated October 1, 2001
 - 4. Geotechnical review report dated Oct. 29, 2007
 - 5. Geotechnical letter responding to Mr. Goodrich's February 28, 2009 letter
- K. Arborist reports:
 - 1. Arborist report dated April 12, 2007
 - 2. Arborist report dated April 26, 2007
 - 3. Arborist report dated May 7, 2007
 - 4. Arborist report dated May 25, 2007
- L. San Mateo County Zoning Regulations Section 6565.16 – Standards for Design in Palomar Park

EDA:cdn – EDAT0381_WCU.DOC

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2005-00603

Hearing Date: May 27, 2009

Prepared By: Erica D. Adams

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3, relating to the construction of a single-family residence, in a residential zone, within an urbanized area.

For Design Review Find:

2. That the project has been reviewed and is in compliance with the Design Review Standards for Palomar Park, Section 6565-15 of San Mateo County Zoning Regulations. The proposal was reviewed by the Bayside Design Review Committee on May 3, 2006, February 7, 2007, May 2, 2007, and June 6, 2007. The Committee and the Community Development Director; found the proposal (a) minimizes tree removal and blockage of sunlight on neighboring buildings, (b) respects the privacy of neighboring houses and outdoor living areas, (c) is architecturally compatible with the neighborhood, (d) is step-designed to be compatible with the natural topography of the site, (e) has well proportioned and articulated façade, and (f) utilizes earth-tone colors comparable with the natural setting and the neighborhood.

For the Grading Permit Find:

3. That the granting of the permit will not have a significant adverse effect on the environment due to the fact that the proposed grading will be subject to conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance.
4. That the project conforms to the criteria of this chapter, including the standards referenced in Section 8605.

These standards are addressed through the erosion and sediment control measures that have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval and implemented on the site. The

proposed grading was prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works and grading is only allowed from April 15 to October 15. In addition, the project is required to get a National Pollutant Discharge Elimination System (NPDES) Permit.

5. That the project is consistent with the General Plan with respect to grading.
6. That the granting of the permit will not have a significant adverse effect on the environment due to the fact that the proposed grading will be subject to conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance.
7. That the project is consistent with the General Plan with respect to grading allowed on land designated as "Medium Low Density Residential" and located within a Design Review District.

RECOMMENDED CONDITIONS OF APPROVAL

1. This approval applies only to the proposal as described on the plans and documents submitted to the Planning Department on December 14, 2005, and resubmitted on January 1, May 22, and an engineered grading plan on May 22, 2007. Any revisions to the approved plans must be submitted to the Planning Section for review and approval prior to implementation. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and are in substantial conformance with this approval.
2. This approval shall be valid for one year from the date of this decision, in which time the grading and building permits shall be issued. The grading permit shall only be issued concurrently with the building permit for the house. If these permits have not been issued within this time period, this approval will expire. An extension to this approval will be considered upon written request and payment of applicable fees 60 days prior to expiration.
3. The applicant shall forward the following requirements, stipulated by the Bayside Design Review Committee, to the Design Review Officer for review and approval. These changes shall be included on the applicant's building permit plans:
 - a. Remove the family room chimney.
 - b. The southerly bathroom windows need to utilize frosted glass, to be noted on the rear elevation plans.
 - c. The covered walkway shall be no greater than three feet, six inches wide.
 - d. Tree protection measures are required and shall be implemented prior to any construction or grading activity for the west and south sides of the property to protect the significant oak trees.

- e. The lower exterior elevations shall include quoins, to be verified as a final inspection by the Planning Department.
 - f. Replacement trees shall be of 15-gallon minimum size of a ratio of two trees for each tree removed (for a total of 24 trees). Tree species shall be live oaks and bays, and shall be planted south and on the southwest sides of the house buffering it from rear neighbors.
 - g. The garage ceiling shall comply with the Building Code of eight feet minimum while the structure's height and grading will not be affected.
 - h. Any damage to Estrada Place during construction shall be repaired by the property owner.
 - i. As submitted, all mechanical equipment and HVAC shall be contained within the structure.
 - j. The Geotechnical Section of the Building Inspection Section shall review and approve the applicant's submittal of the geotechnical report, addressing soils, and specifically debris covered by dirt 57 years ago.
4. The provisions of the San Mateo County Grading Ordinance shall govern all grading on the site.
 5. At the completion of all grading activities, the applicant's geotechnical consultant shall submit to the Planning Department, a signed Section Two indicating they have observed all grading activities and that the work conformed to the recommendations presented in their report.
 6. These permits do not allow for the removal of any additional trees other than the twelve (12) trees identified on the plans and discussed in the staff report. Removal of any additional trees with a diameter greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
 7. No grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion unless approved, in writing, by the Community Development Director.
 8. The applicant shall submit a letter to the Planning Department at least two weeks prior to the commencement of grading stating when grading will begin.
 9. The applicant shall implement erosion control prior to the beginning of grading or construction operations. Re-vegetation of denuded areas shall begin immediately upon completion of grading/construction operations.
 10. The Grading Permit "Hard Card" and the Building Permit shall be issued at the same time. No grading shall occur until the Hard Card has been issued.

11. Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operation shall be prohibited on Sunday and any national holiday.
12. All new power and telephone lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be installed underground. No new or additional utility pole(s) may be installed.
13. The applicant shall provide "finished floor elevation verification" on the submitted building plans to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
 - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
 - b. The datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
 - c. Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations, and (2) the elevations of proposed finished grades.
 - d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
 - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case maybe) for the lowest floor, the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
 - f. If the actual floor height, garage slab, or roof height, as constructed, is different from the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and Community Development Director.
14. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems by:

- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and May 1.
 - b. Removing spoils promptly, and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry into the storm drain system or water body.
 - d. Using filtration or other measures to remove sediment from dewatering effluent.
 - e. Avoid cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizer to avoid polluting runoff.
15. The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.
16. The applicant shall submit an erosion and sediment control plan for review and approval by the Planning Department prior to issuance of a building permit. The erosion control plan shall clearly delineate the types of measures to be used, the location of where the measures will be placed as well as a sectional drawing showing how the measures shall be installed. All erosion control devices shall be installed on site prior to any grading activities on-site.
17. The applicant shall submit a stormwater management plan, which shall include a site plan and narrative of the types of permanent stormwater controls that will be installed on site to minimize the surface water runoff. At a minimum, the directly connected impervious areas shall be minimized, downspouts shall be directed to landscaped areas and pervious materials shall be used for the access road, if possible, and any patio or walkway areas near the proposed residence.
18. No site disturbance shall occur, including any grading, until a building permit has been issued.

Building Inspection Section

19. The following will be required at the time of application for a building permit:
- a. Prior to pouring any concrete for foundations, written verification from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.

- b. An automatic fire sprinkler system will be required. This permit must be issued prior to, or in conjunction with the building permit.
- c. If a water main extension or upgrade of hydrant is required, this work must be completed prior to issuance of the building permit or the applicant must submit a copy of an agreement and contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit.
- d. A site drainage plan will be required that will demonstrate how roof drainage and site run off will be directed to an approved location.
- e. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
- f. No wood-burning fireplaces unless EPA Phase II certified.
- g. The room presently designated as Exercise Room must be re-designated as a bedroom due to the closet.

Department of Public Works

- 20. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance Number 3277.
- 21. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a Grading Permit upon completion of their review of the plans and should access construction be necessary.
- 22. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
- 23. The applicant shall submit a driveway "Plan and Profile" to the Public Works Department, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.

County Fire Department

24. The applicant shall comply with the County Fire Department requirements during building permit stage.

EDA:cdn - EDAT0381_WCU.DOC

BLANK PAGE

22

BLANK PAGE

23

BLANK PAGE

24

ATTACHMENT B APPEAL SUBMITTALS

1. Appeal letter from Kurt
Oppenheimer dated October
11, 2007
2. Appeal letter from James
Goodrich dated October 11,
2007

Application for Appeal

Planning and Building Division

County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

To the Planning Commission

To the Board of Supervisors

Appellant Information

Name: KURT OPPENHEIMER

Address: 632 PALOMAR DR

REDWOOD CITY, CA

^{CELL}
Phone, W: 650 430 2556 H: 650 366 7984

Zip: 94062

Appeal Information

Permit Numbers involved:

PLN 2005 - 00603

I have read and understood the attached information regarding appeal process and alternatives.

yes

no

I hereby appeal the decision of the:

- Staff or Planning Director
- Zoning Hearing Officer
- Design Review Committee
- Planning Commission

Appellant's Signature:

[Handwritten Signature]

Date: OCTOBER 11, 2007

made on OCTOBER 1 2007 to approve/deny the above-listed permit applications.

Reason for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

SEE ATTACHED 3 PG. LETTER (1 EXTRA COPY IS ALSO ATTACHED.)

KURT M. OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA

RECEIVED

October 11, 2007

OCT 11 2007

Planning and Building Department
San Mateo County
455 County Center, Second Floor
Redwood City, CA 94063

San Mateo County
Planning Division

Re: Approval of a Bayside Design Review Permit and a Grading Permit to allow 985 total cubic yards of cut and fill for a new 5,234 sq. ft. single-family dwelling with an attached 3-car garage and driveway on a 20,001 sq. ft parcel, at 25 Estrada Place, Palomar Park; PLN 2005-00603 -- APN 051-022-420

Dear Sirs:

I am requesting that an appeal hearing be granted with the County Planning Commission to overturn the "approval" granted on October 1st, 2007 by the County of San Mateo Planning and Building Department for the Design Review and administrative Grading Permits referenced above. I share two property lines (E4°44'3" N131.88' & N4°33'28" E178.74') with the proposed construction site.

I believe that a review by the County Planning Commission will show this project:

- **Fails to meet several significant Standards for Design in Palomar Park (Section 6565.16). Specifically, the following items are not in compliance:**

Subsection A: Site Planning: **DOES NOT** minimize tree removal, minimize alteration of the natural topography, respect the privacy of neighboring houses or minimize alteration of streams and natural drainage channels.

- This project has had 4 BDRC Design Reviews over 13 months, during which the stated number of significant trees to be removed has increased from 2 to 12, despite BDRC directions to the applicant to revise their plans "with intention to save trees".
- This 6000 sq ft house is sited on topography which is cross-sloped, and yet it features a 3000 sq ft *level pad* resulting in extensive grading and cutting (16.5' vertical cuts) into a 30% slope, despite there being ~1900 sq ft of level, treeless space which is being used for the driveway.
- The house is sited at the minimum setbacks on 3 of 4 sides of a .46 ac lot with an orientation that results in a direct line of sight between neighboring bedroom windows.

Subsection B: Architectural Styles: **IS NOT** architecturally compatible with existing buildings or natural surrounding of the immediate area.

- There are no houses in the immediate area of Palomar Park that are of the size or style of this Mediterranean villa.

Subsection C: Building Shapes and Bulk: **DOES NOT** respect nor conform to the natural topography of the site. Bulk of building **IS NOT** controlled by terracing up or down the hill.

- At the May 3, 2006 meeting the BDRC concluded that "a redesign of the structure is required with emphasis on step-design of the structure" and "the architectural style is incompatible with the site due to its massiveness and character." The applicants were instructed to incorporate the requested changes into revised plans.
- The design approved at the June 2007 BDRC meeting is virtually unchanged with respect to bulk, mass and the lack of a step-design. Both reviewing (voting) members of the BDRC stated that it was large and massive.

Subsection L. Paved Areas: **DOES NOT** keep the amount of visible paved areas to a minimum.

- The approved plans include a 3000 sq ft driveway, 154 feet in length extending from the road to the front of the house in order to create a "grand" entrance.

KURT M. OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

- **Fails to meet Standards for the Protection of Trees and Vegetation (Section 6565.20)**
Subsection A-1: Prohibits the removal of trees unless: there is no alternative building site for a house, driveway, or accessory structure.
 - The house is situated in the most heavily wooded portion of the property and reserves 1900 sq. ft of flat, treeless space for a driveway.

- **Failed to receive a BDRC approval recommendation that was truly a majority consensus and which was made despite an increasing amount of opposition.** A review of all BDRC meeting audio tapes and findings reveals that they are characterized by:
 - various findings neither being resolved nor carried forward to subsequent meetings for completion
 - an increase in public response against the project with seven neighbors either writing letters or attending the final June 6, 2007 meeting to express their concerns for the record.
 - an increasing rather than decreasing amount of disagreement between voting committee members regarding the project design and impact to the environment:
 - At the May 2, 2007 Design Review Meeting--attended by Doug Naaf, the community representative for Palomar Park (now resigned)—Mr. Naaf requested that the applicant should re-site and/or re-size the house in order to mitigate many of the design issues. Mr. John Day (the committee Chairman) would not agree to this proposal, so the project was continued.
 - For the June 6th meeting voting members of the BDRC were John Day and Doug Snow, (Chairman of the Coastside Design Review Committee) acting as substitute architect.
 - Mr. Snow concluded, after reviewing all of the plans and hearing the arguments for and against this project, that **the project should be denied** because
 - The design was not compatible with the design guidelines for Palomar Park due to its massiveness and architectural style.
 - The house was not stepped into the hill.
 - After much further discussion, Mr. Snow and Mr. Day could not agree on the project. Mr. Snow restated that he still felt the **proposal should be denied, but would defer** to Mr. Day's wishes to approve the project.
 - **Mr. Snow and Mr. Day acknowledged they expected their ruling on the project to be appealed.**

- **Fails to incorporate major geotechnical issues and requirements into the grading plan, rendering it and the Grading Permit incomplete.**

NOTE: Geotechnical issues associated with this lot are documented in file PLN2001-00128 – Lot Line Adjustment for **21 Estrada** – and not in the file for 25 Estrada.) The following geotechnical concerns have not been factored into the design:

- The lot for the proposed house has experienced slides in 2000 and again during the winter of 2006-2007. My property and a stream, which goes to the Bay, are downhill of the active slide and had slide material deposited on/in them in 2000.
- **The proposed leach field is to be placed in this active slide area.**
- This **active slide area with a 40% grade** is covered by ~5-9' of slide and fill debris over competent soil.
- Stabilization of the slide area for the leach field is being required by county geotechnical (on-line notation by JFD dated 6-28-2007 states: "geot.file #11G190; sent note to Planning re need for an updated geotechnical report prior to issuance of grading permit. This must address landslide repair.").

KURT M. OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

- The 2004 proposed/approved solution for the slide repair was the installation of keyways 5' into competent soil (per applicant's geotechnical consultants).
- The grading plan on record is incomplete because it **does not** show the required keyways or include in the grading totals (already at 985 CY) the excavation of 10'-14' of material necessary for the placement of the keyways.
- The drainage plan does not fully protect my property from the increased run off.

The effects of the geotechnical issues on the site plan have been acknowledged continually throughout the approval process, but without any conclusive directives. The applicant has insisted on siting a level-pad design on a hillside and has failed to use available level space for the structure. This has resulted in a design that is unresponsive to the natural topology; history of land slides on the property; drainage and leach field requirements; and to questions regarding soil quality. Every lot in Palomar Park has its challenges to build on but the size and location of the proposed house exacerbate this lot's geotechnical issues.

I request that:

- This **project be rejected** because the approved plans do not meet the Design Standards for Palomar Park and the design and siting do not fully comprehend the major geotechnical issues this lot has.
- The **Grading Permit for this project be rejected** because the grading plan does not address *known issues* which will affect the total amount of grading, including the county's own geotechnical requirements.
- Due to the amount of grading and the large number of geotechnical issues with this property, a **comprehensive grading plan be required** before any revised grading permit application is considered.
- The grading issues not be deferred to later in the approval process when the public will not have the opportunity to participate, but rather that any review be conducted in a **public Zoning Hearing** and not administratively.

I very much believe in the development guidelines for Palomar Park and the design review process. A reasonable application of the guidelines by this committee is the only way for Palomar Park to retain its country like setting in an area of increasing growth pressure.

Sincerely,



Kurt M. Oppenheimer

000028

Planning and Building Division

County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Application for Appeal

- To the Planning Commission
- To the Board of Supervisors

1. Appellant Information

Name: JAMES M GOODRICH

Phone, W: 404 352-1640 H: 404 352-2707
404 966-1640 CELL

Address: 524 MANOR RIDGE DR
ATLANTA, GA

Zip: 30305

2. Appeal Information

Permit Numbers involved:

25 ESTRADA PLACE
PLN 2005-00603; APN 051-22-420

I hereby appeal the decision of the:

- Staff or Planning Director
- Zoning Hearing Officer
- Design Review Committee
- Planning Commission

made on October 1 2007 to approve/~~deny~~
the above-listed permit applications.

I have read and understood the attached information regarding appeal process and alternatives.

yes no

Appellant's Signature: James M Goodrich

Date: October 12, 2007

3. Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

SEE ATTACHED LETTER DATED OCTOBER 11, 2007

RECEIVED
OCT 12 2007
San Mateo County
Planning Division

000029

RECEIVED

James M. Goodrich
524 Manor Ridge Drive
Atlanta, Georgia 30305
(404) 352-2707
(404) 352-1640 fax

OCT 12 2007
San Mateo County
Planning Division

October 11, 2007

Mr. Jim Eggemeyer
Deputy Director
Planning and Building Department
San Mateo County
455 County Center, Second Floor
Redwood City, CA 94063

Re: Grading and Design Review Permit Decision
25 Estrada Place, Redwood City
County File No. PLN 2005-00603; APN 051-022-420

Dear Mr. Eggemeyer:

I am writing to appeal before the County Planning Commission the approval granted by your letter dated October 1, 2007 of an administrative Grading Permit and associated Design Review Permit for 25 Estrada Place, Redwood City. My two sons and I own the property at 624 Palomar Drive which shares property line immediately uphill from 25 Estrada Place. My parents bought the property in 1941. I grew up there.

The County Planning Commission should reverse this approval for two fundamental reasons:

1. The record from public hearings does not support the Design Review Committee conclusion, adopted by staff, that the proposed structure conforms to Palomar Park design guidelines.
2. A comprehensive engineering analysis needs to be provided demonstrating that the total impact of the proposed project will not further damage this very unstable property.

Each of these issues is addressed in the following paragraphs.

Proposed Project Violates Design Guidelines

Palomar Park design guidelines require that a structure be:

- compatible with existing buildings or natural surroundings of the immediate area;
- and, conform to the natural topography of the site.

000030

On May 6, 2006, the Bayside Design Review Committee reached two significant decisions regarding the proposed structure:

1. The “architectural style is incompatible with the site due to its massiveness and its character.”
2. “A redesign of the structure is required with emphasis on step-design of the structure.”

The design approved by the Bayside Design Review Committee and accepted by staff ignores these clear directives. The uncontested facts in the record are:

- The architectural style is unchanged and the massiveness of the structure, rather than decreasing, has increased by 140 square feet since the 2006 submittal. It remains more than twice as large as any nearby home.
- The footprint of the structure, which is nearly identical to the original 3000 square feet flat footprint, has not been redesigned to conform to the existing topology. Furthermore, the existing topology is not the natural topology that existed before the initial grading of the property in the 1950’s, as discussed below. The proposed structure is not terraced to conform to the hillside, but rather carved into the hillside necessitating additional extensive cut and fill grading.

At the June 6, 2007, Bayside Design Review Committee public hearing addressing this project both members of the Committee agreed that the proposed project was massive, not compatible with its surroundings. Mr. Snow further concluded that the proposed project was not stepped into the hillside. Mr. Day rationalized his loose interpretation of the Palomar Park Design Guidelines because 25 Estrada was at the end of a cul-de-sac and not very visible – a direct contradiction to the written comments filed by the Palomar Property Owners supporting consistent and strict adherence with the Design Guidelines.

Property’s Unstable Condition Requires Comprehensive Engineering Analysis with Public Review

Over the years, the property at 25 Estrada Place has suffered numerous landslides, many as a direct result of improper cut and fill operations performed when the property was initially graded in the early 1950’s with numerous large oak and bay trees being destroyed. A substantial part of the proposed structure and its septic leach field are located in this slide area. This situation necessitates an abundance of caution prior to further disturbing this unstable property. A comprehensive engineering analysis demonstrating, to a reasonable degree of certainty, that the proposed project will not risk further damage should be prepared and scrutinized at a public hearing before allowing the project to proceed. This analysis should address the following issues:

Excavation Creep

The topography of the subject property is not the natural topography; it was created in the early 1950’s by carving out the hillside just beyond our property line to create the existing level portion of the property. Additional excavation on the property was performed by the applicant in

2000 without a grading permit, clearly a major violation of San Mateo County regulations (see Case Number VIO2001-00045).

The current application does not mention any of this prior activity. Its 985 cubic yards of cut and fill just addresses the incremental amount. The 1950's excavation involved moving hundreds of cubic yards. The un-permitted grading in 2000 moved an unknown additional amount. I understand that an administrative grading permit can only be issued if the total grading is less than 1000 cubic yards. It is interesting that the proposed amount of grading is just under that limit, though the applicant has shown no compunction about going against restrictions when he graded an unknown amount without a permit. Considering both the original and 2000 excavations along with the proposed excavation, the total volume of earth cut from the hillside would vastly exceed the 1000 cubic yard ceiling for an administrative grading permit.. Surely the process for a grading permit should be based on the natural topography before any excavation. This excavation creep represents a disingenuous attempt to avoid an open and transparent public process. This should not be permitted by the County Planning Commission.

Land Stability

The proposed additional carving out of the hillside supporting our property could further threaten the already fragile stability of the hillside - not just 25 Estrada Place, but also our property.

Prior to 1950, the hillside on what today is 21 and 25 Estrada Place was covered with a live oak forest sprinkled with bay and deciduous oak trees and grassy clearings. Many of the oaks were very large – large enough for my brother and me to have “forts” high in their branches. Unfortunately, the County's design and planning review processes were not nearly as rigorous in 1950 as they are today, so the land was cleared, the fallen trees pushed down the hill on what is now 25 Estrada Place. I watched for days as bulldozers continued destruction of the hillside ripping up stumps and roots and adding this debris to the piles of tree branches and limbs. Then the hillside was drastically cut for over 200 feet along the entire length of the Tyrrel's and our property line. The material cut from the hillside was used to bury the fallen trees. This produced the pad for the house at 21 Estrada Place and the level portion of 25 Estrada Place where a riding ring and stable were constructed. This unsound practice of clear, cut and bury has had a direct impact on the land movements at the proposed site - movements that became apparent soon after the initial excavation and continue to this day.

We have recent experience that the land on this hillside is not stable. In 2001, when we were renovating our home at 624 Palomar Drive, it was necessary to replace the entire foundation on three sides of the house because of significant cracking and slight movement of the foundation down the hillside that was particularly evident on the back (north) side of the house, which is less than 60 feet from the proposed cut line.

Septic Leach Field

The applicant's geotechnical consultants have suggested the placement of keyways to stabilize the active slide area where the septic leach field is planned to be located. The grading application as approved includes no allowance for excavation that will be required for the leach

field, again understating the grading impact on the very steep and unstable terrain. Inclusion of this excavation would push the incremental grading over the 1000 cubic yard threshold. This is another example of the applicant attempting to circumvent an open and transparent process – behavior that should not be allowed by the County Planning Commission.

Our Septic Leach Field

Our septic tank leach field is located in the hillside directly above where the incremental excavation is proposed. My parents moved it from behind our home to this location in approximately 1952 after excavation was done to build the applicant's existing home at 21 Estrada Place for its original owners. The leach field was moved to eliminate drainage problems that might impact land stability due to the very steep cut near our property line resulting from that original excavation. Analyses should address drainage problems from the effluent of our leach field caused by the substantial additional carving out of the hillside for the proposed project and the design of drainage systems. Such analyses should be based upon normal septic usage, not the very limited current usage as a result of our using 624 Palomar Drive as a second home.

Current Geotechnical Report

The geotechnical report supporting the proposed project was completed in 2001. It should be redone to reflect the current condition of the property resulting from land movement in the past six years. This new report should address past and proposed excavation (including excavation required for the septic leach field), drainage systems, and retaining structure designs. It should be scrutinized by San Mateo County's geotechnical experts and become part of the public hearing process.

While my comments focus on two particularly troublesome aspects of the proposed project, I would like to direct the County Planning Commission to all the issues identified in my May 24 and June 24, 2007 letters to the Planning and Building Department, as well as the oral comments I made to the Bayside Design Review Committee on June 6, 2007. I do not believe that the Bayside Design Review Committee, nor the staff, has adequately addressed the issues raised by me and other neighbors including those presented by the Palomar Property Owners association.

Therefore, I request that the County Planning Commission should overturn the approval action of your October 1, 2007 letter and, prior to proceeding further with this project, require the applicant present a comprehensive grading plan that would be reviewed in a public forum.

I appreciate the opportunity to participate in the County Planning Commission's review process.

Sincerely,

James M Goodrich

000033

Cc Mr. Warren Goodrich

Mr. Mark Goodrich

Mr. and Mrs. John Newman
606 Palomar Drive
Redwood City, California 94062

Mrs. David Tyrrel
616 Palomar Drive
Redwood City, California 94062

Mr. and Mrs. Kurt Oppenheimer
632 Palomar Drive
Redwood City, California 94062

Mr. and Mrs. Rich Landi
178 South Palomar Drive
Redwood City, California 94062

ATTACHMENT C

Parcel Map and Original Project

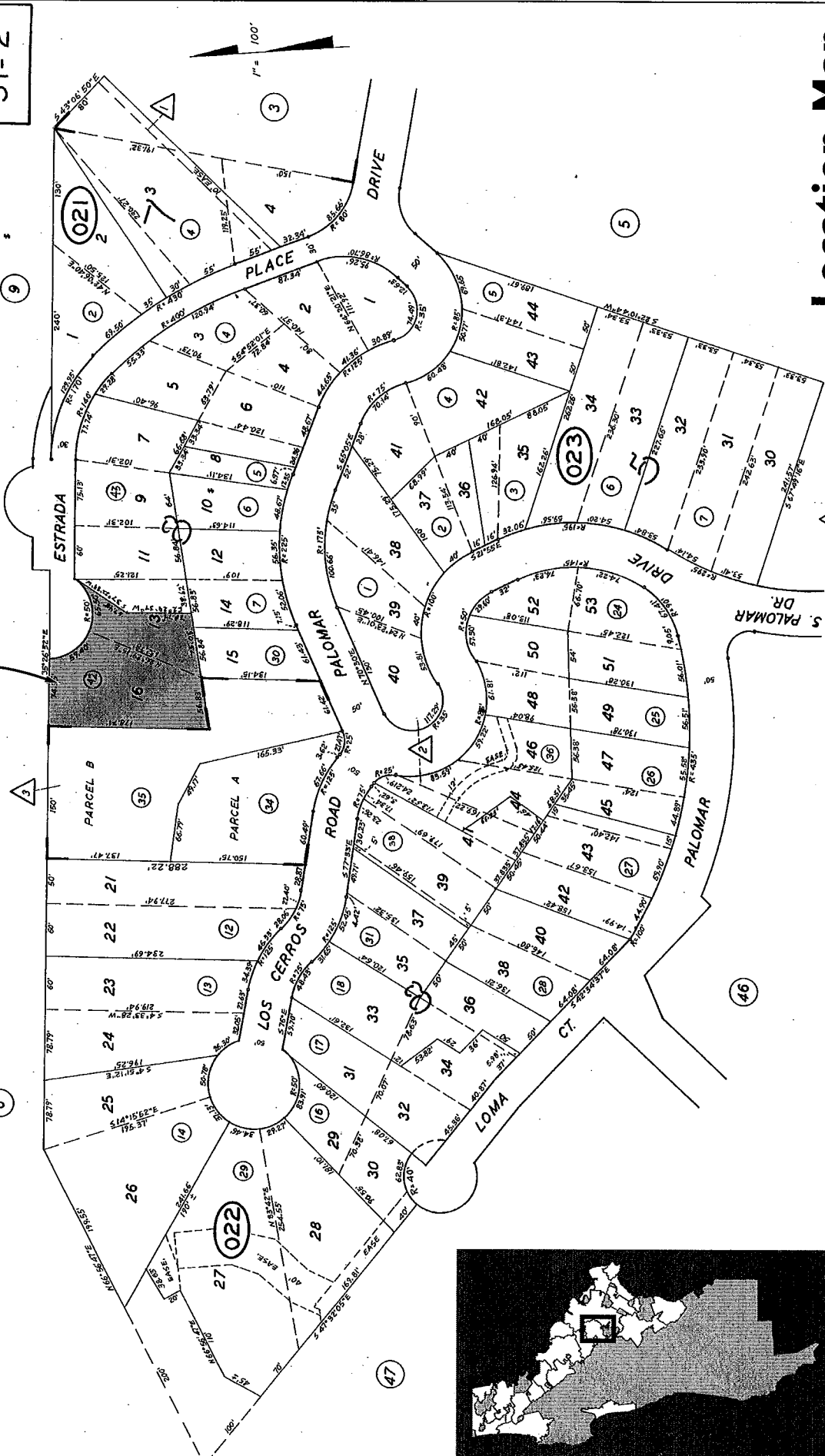
Plans Submitted for the May

3, 2006 Bayside Design

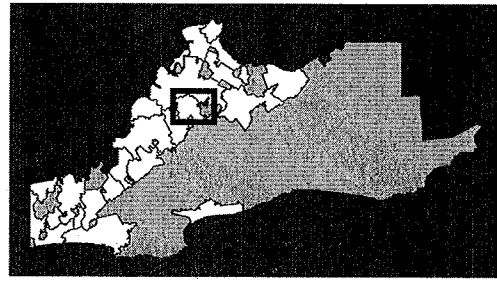
Review Committee Meeting

PROJECT PARCEL

51-2



Location Map



San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

File Numbers: **PLN 2005-00603**

Attachment: **C**

000035

EXTERIOR WALLS: Cement Plaster – Smooth Finish
(Textured for Basement Walls), Western Blended Products,
Sacramento Stucco.
Color: Dunn Edwards, Trecker's Tan #DE 3046

EXTERIOR TRIM: Foam Trim Shape w/Simulated
Precast Stone Finish to Match Precast Columns.
Color: Dunn Edwards, Memory #DE 3046

WINDOWS: Painted Wood Sash Casements
Kolbe & Kolbe Heritage Series.
Color: To Match Exterior Trim.

COLUMNS: Precast Concrete Columns by
Architectural Facades Unlimited Inc.
Tuscan Style w/ Tapered Shaft
Color: to Match Exterior Trim.

FASCIA & GUTTER: Painted 6"x1 Fascia
Gutter 0/2x8 Fascia Board.
Color: to Match Exterior Trim.

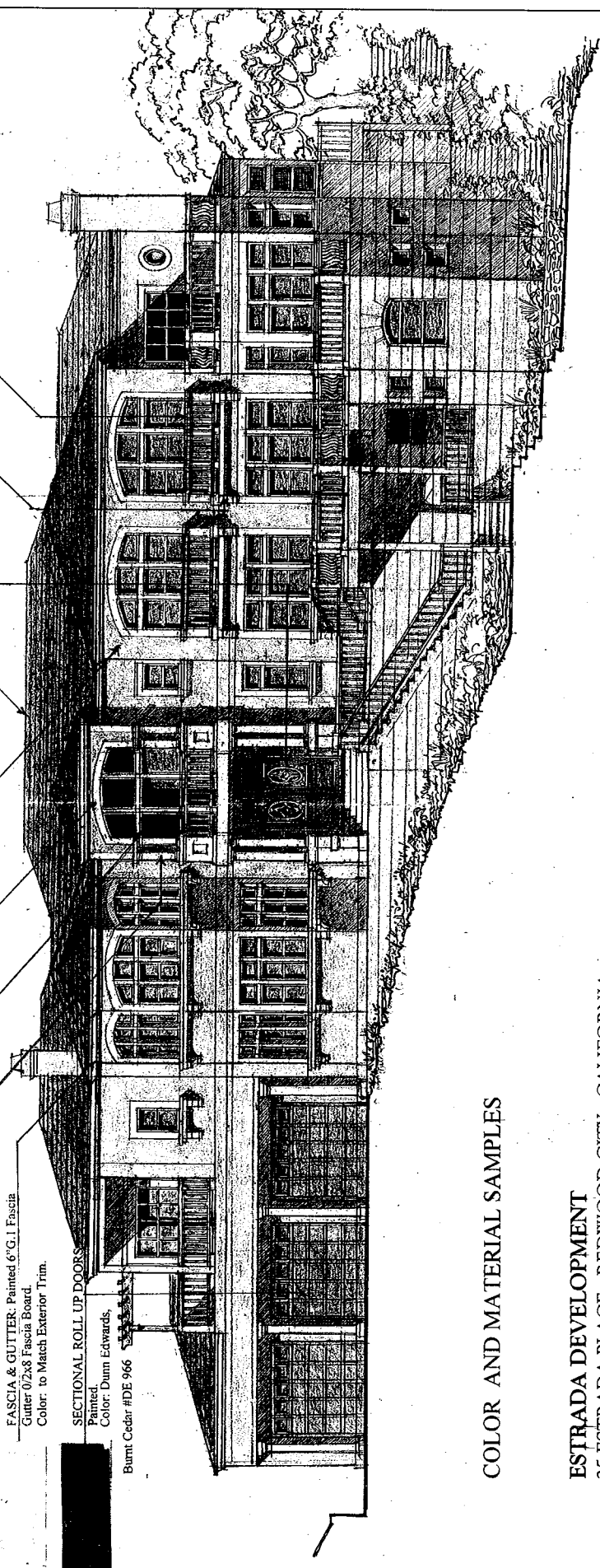
SECTIONAL ROLL UP DOORS:
Painted
Color: Dunn Edwards,
Burnt Cedar #DE 966

ROOFING: Ludwici – Flat Interlock Clay Tile.
Color: Spanish Red Wine

ENTRY DOOR: Solid Core Wood, Burnt
Cedar Stained, Dunn Edwards #DE 966

FALSE WINDOWS BOX SILL:
Foam Trim Shape w/Simulated
Stone Finish to Match Precast
Columns. Color: Same as Columns.

BALUSTRADES: Bespoke
Wrought Iron.
Color: Charcoal Gray



COLOR AND MATERIAL SAMPLES

ESTRADA DEVELOPMENT
25 ESTRADA PLACE, REDWOOD CITY, CALIFORNIA

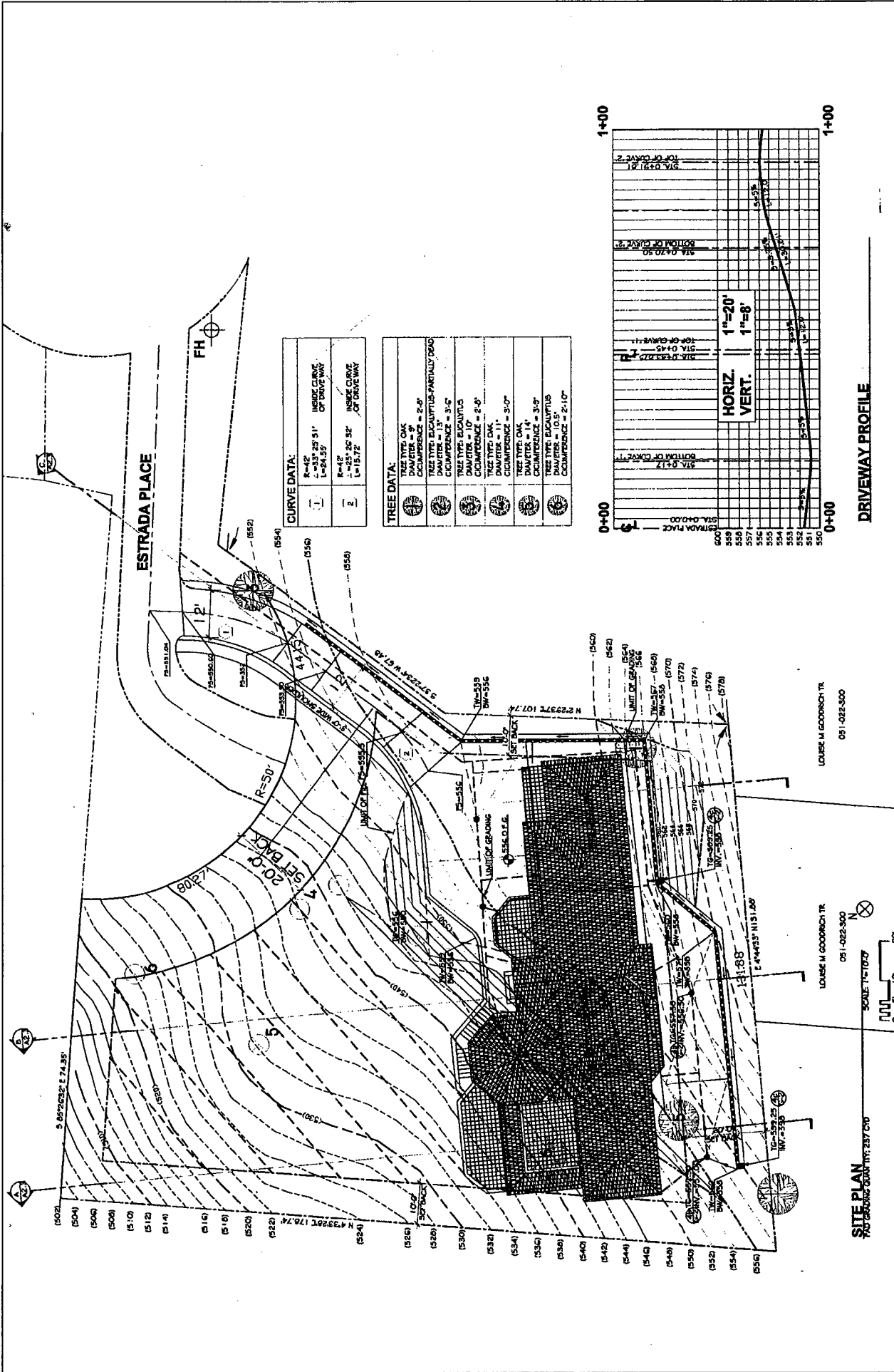
San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

Attachment: **C**

File Numbers: **PLN 2005-00603**

000036

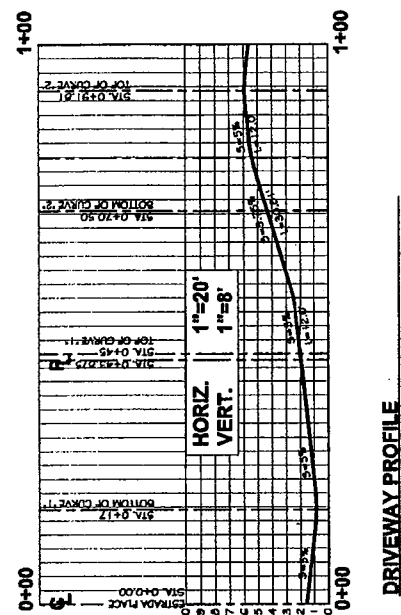


CURVE DATA:

1	R=42' L=332.25 31° L=241.25'	INSIDE CURVE OF DRIVE WAY
2	R=42' L=332.25 32° L=241.25'	INSIDE CURVE OF DRIVE WAY

TREE DATA:

(51)	TREE TYPE: OAK DIAMETER = 8" CIRCUMFERENCE = 2-9"
(52)	TREE TYPE: EUCALYPTUS-PARTIALLY DEAD DIAMETER = 8" CIRCUMFERENCE = 3-0"
(53)	TREE TYPE: EUCALYPTUS DIAMETER = 10" CIRCUMFERENCE = 2-9"
(54)	TREE TYPE: OAK DIAMETER = 11" CIRCUMFERENCE = 3-0"
(55)	TREE TYPE: OAK DIAMETER = 11" CIRCUMFERENCE = 3-9"
(56)	TREE TYPE: EUCALYPTUS DIAMETER = 10.5" CIRCUMFERENCE = 2-10"



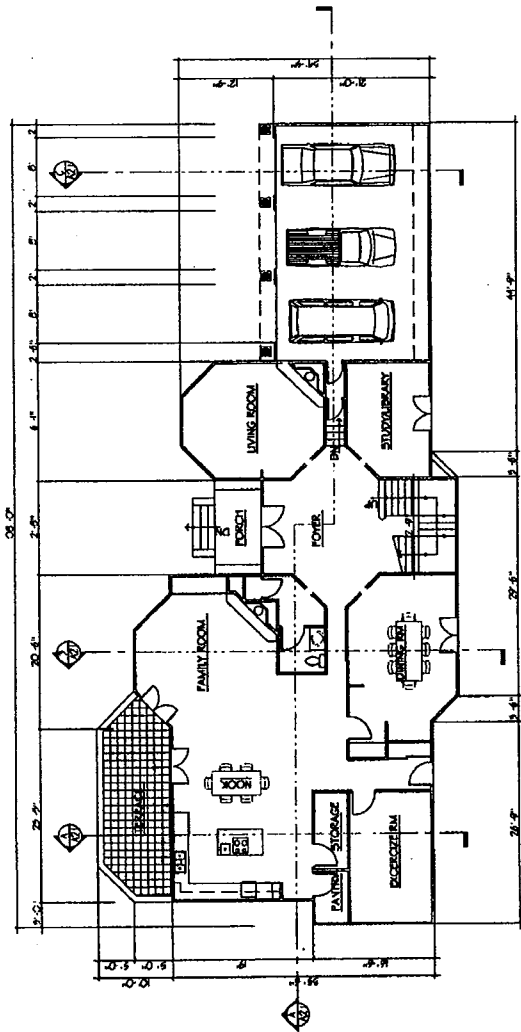
San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

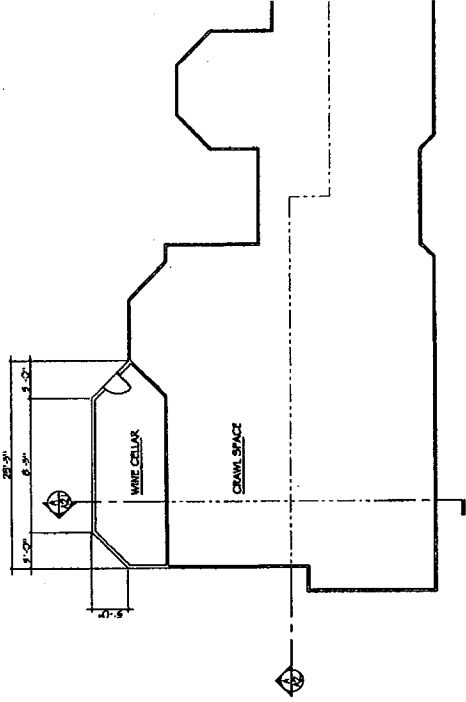
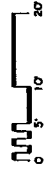
File Numbers: **PLN 2005-00603**

Attachment:

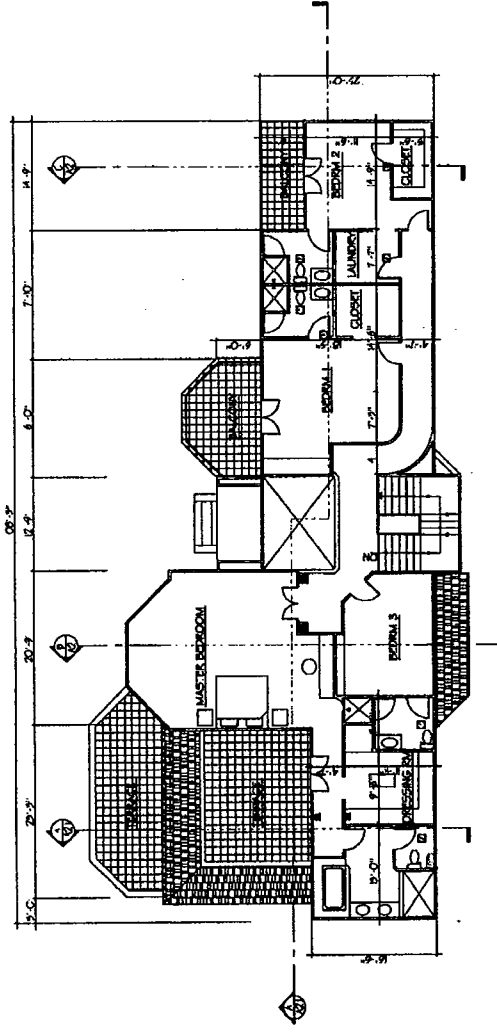
000037



FIRST FLOOR PLAN
 AREA: TRUNK: 2,541 SQ. FT.
 GARAGE: 643 SQ. FT.
 TOTAL: 3,184 SQ. FT.



BASEMENT FLOOR PLAN
 AREA: 251 SQ. FT.



2ND FLOOR PLAN
 AREA: 2,455 SQ. FT.



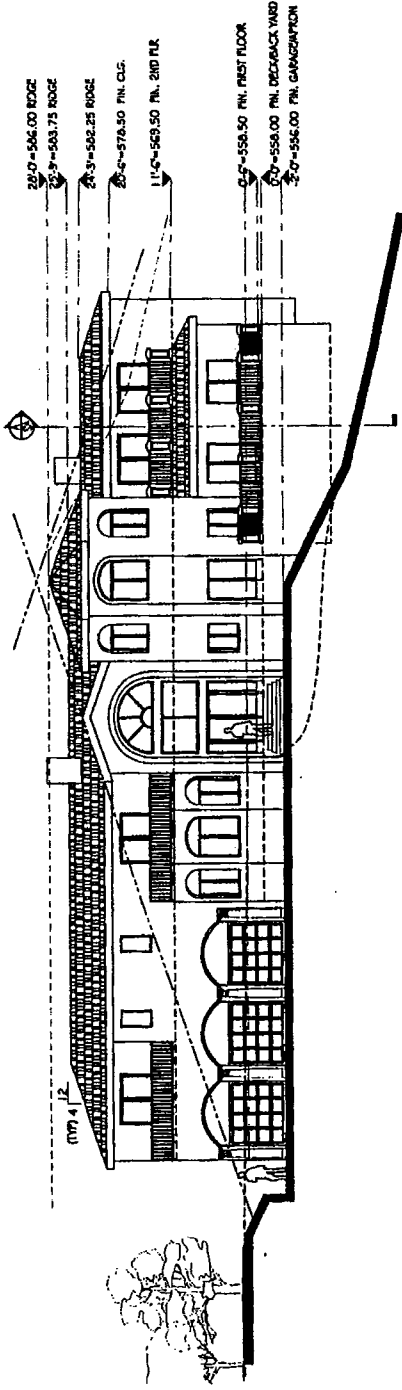
San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

File Numbers: **PLN 2005-00603**

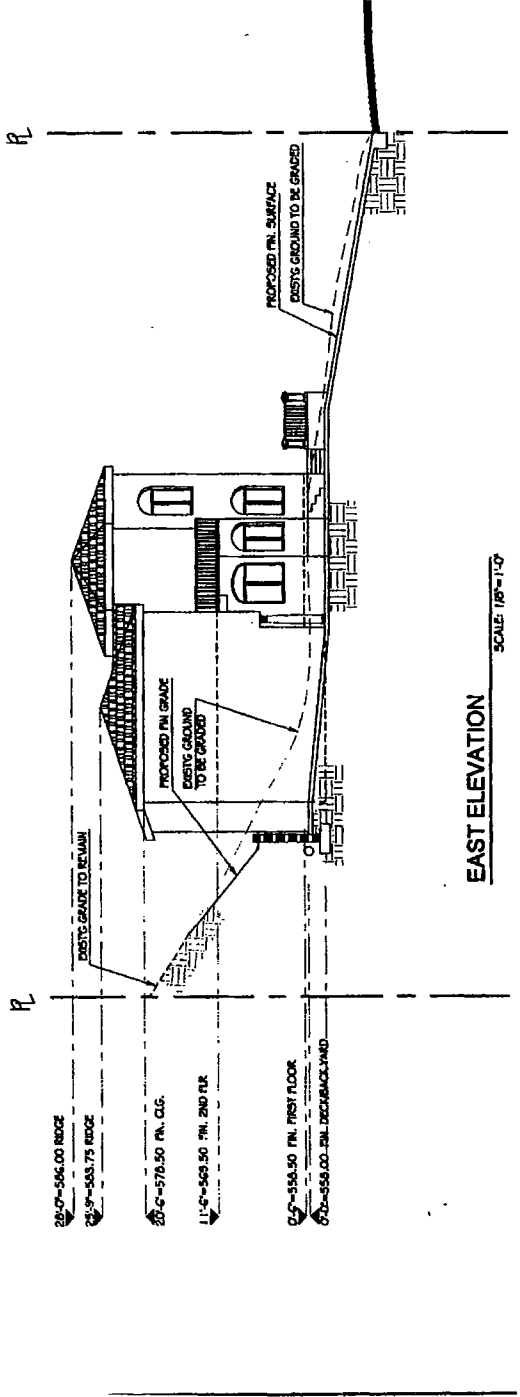
Attachment:

000038



NORTH ELEVATION

SCALE: 1/8"=1'-0"



EAST ELEVATION

SCALE: 1/8"=1'-0"

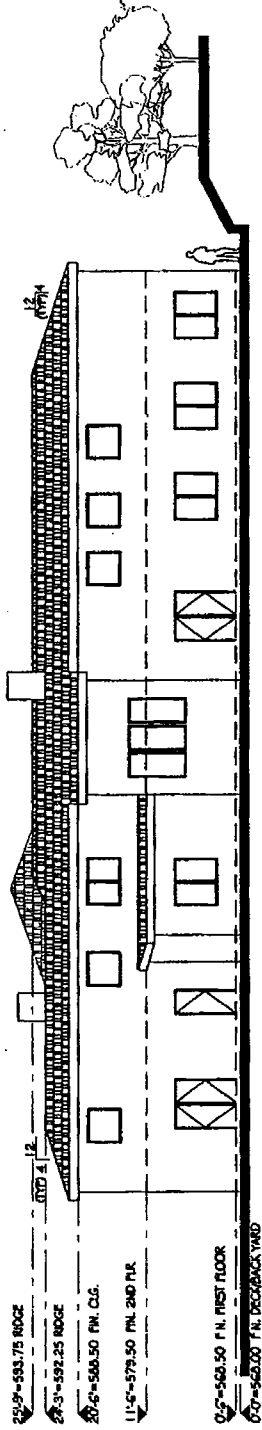
San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

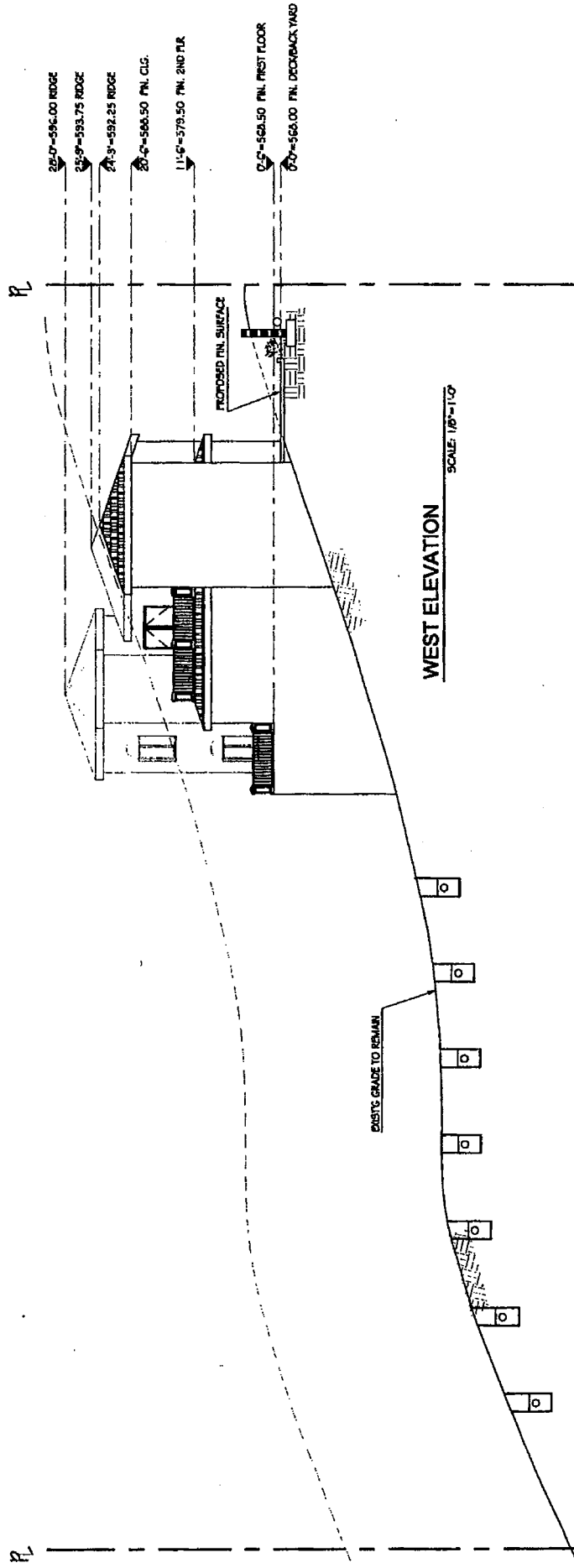
File Numbers: **PLN 2005-00603**

Attachment:

000039



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"

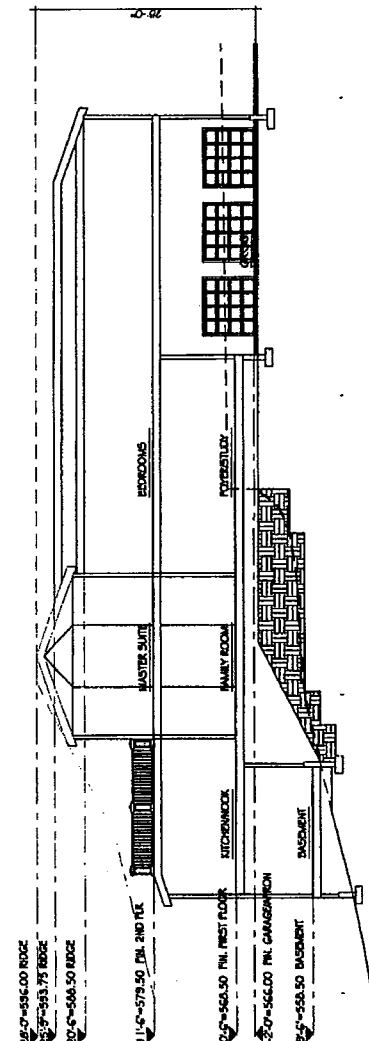
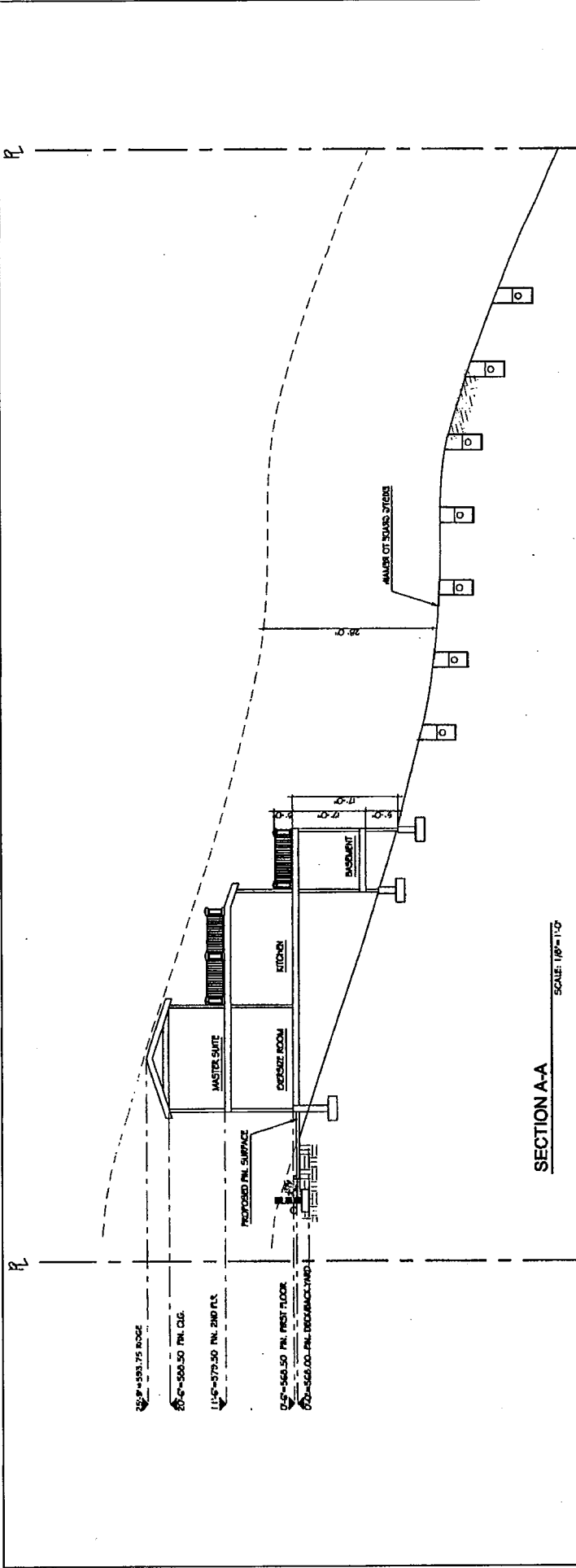
San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

File Numbers: **PLN 2005-00603**

Attachment:

000040



San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

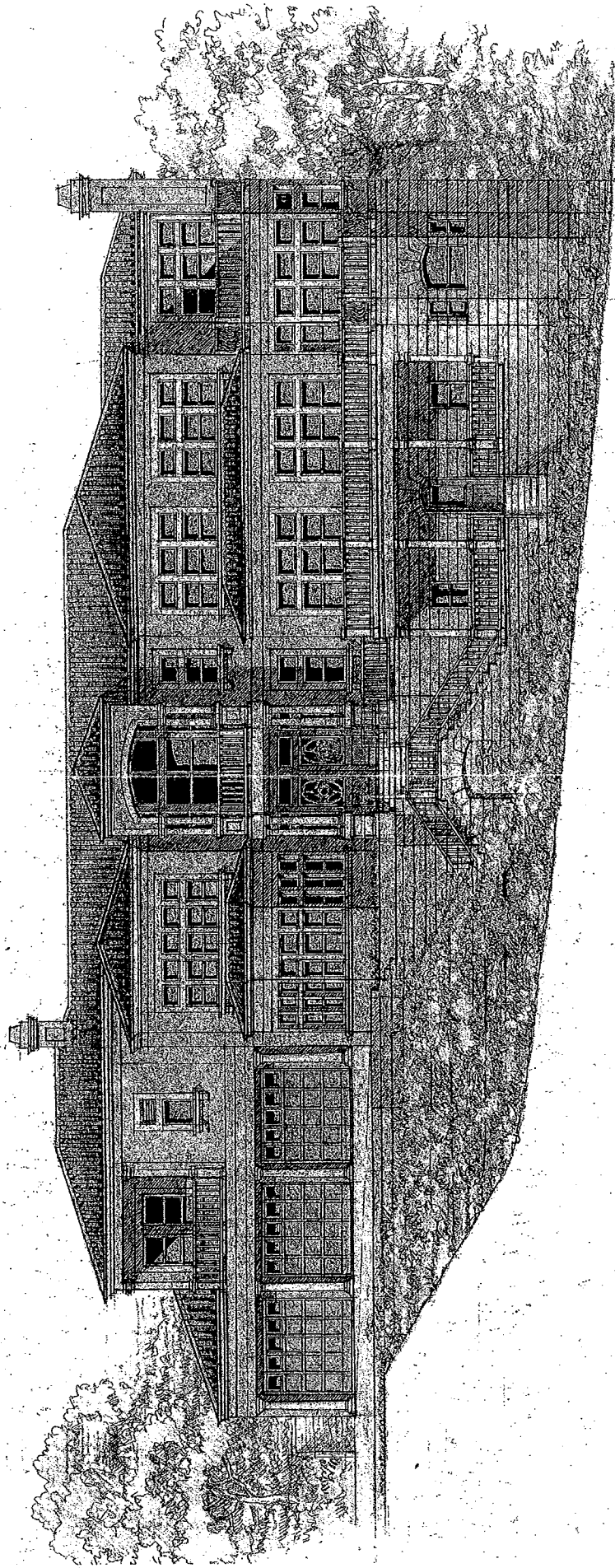
File Numbers: **PLN 2005-00603**

Attachment:

000041

ATTACHMENT D

**Revised (Approved) Project
Plans Submitted for the June
6, 2007 Bayside Design
Review Committee Meeting**



NORTH ELEVATION

SCALE: 1/8" = 1'-0"

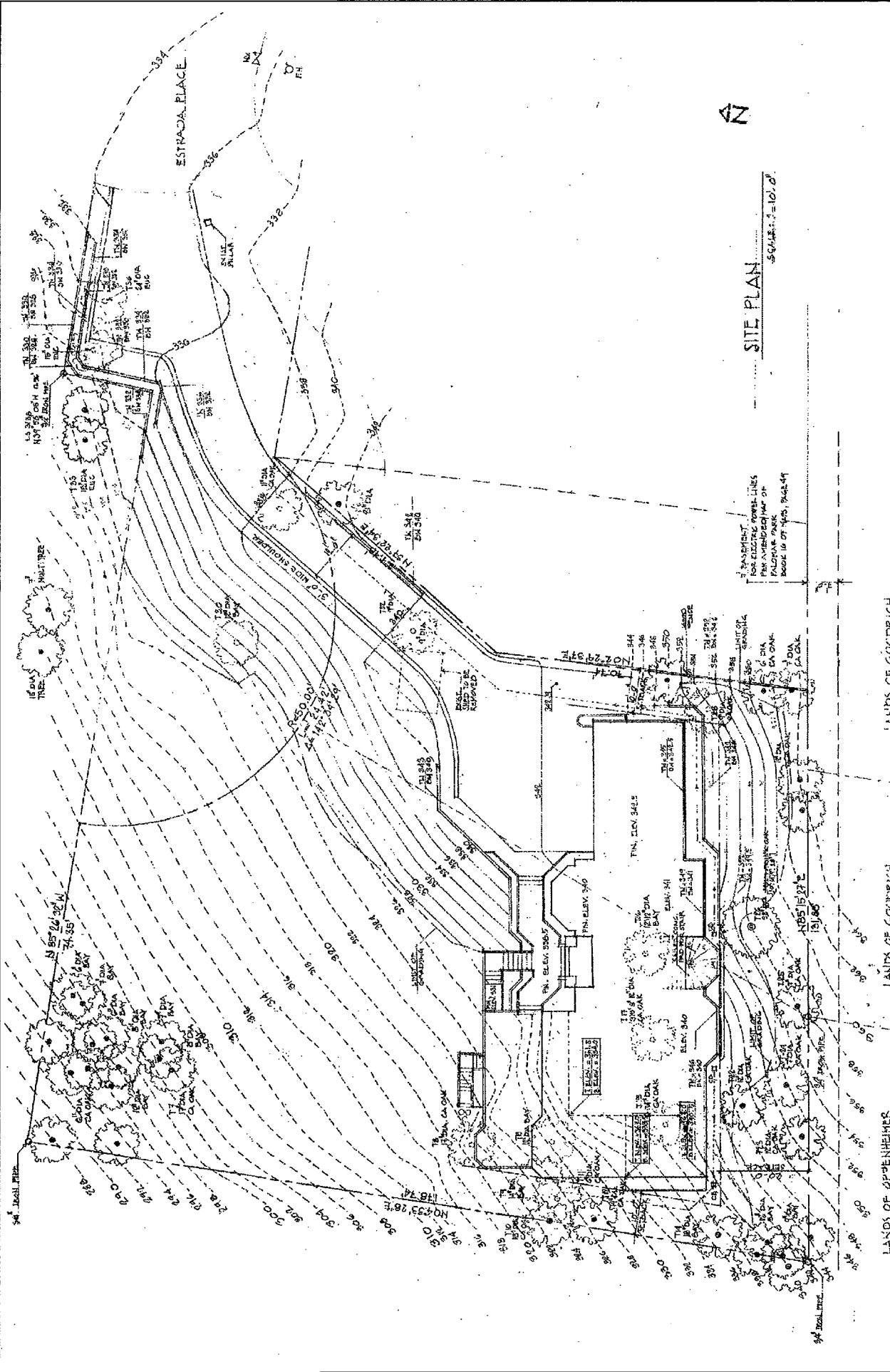
San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

Attachment: **D**

File Numbers: **PLN 2005-00603**

000042



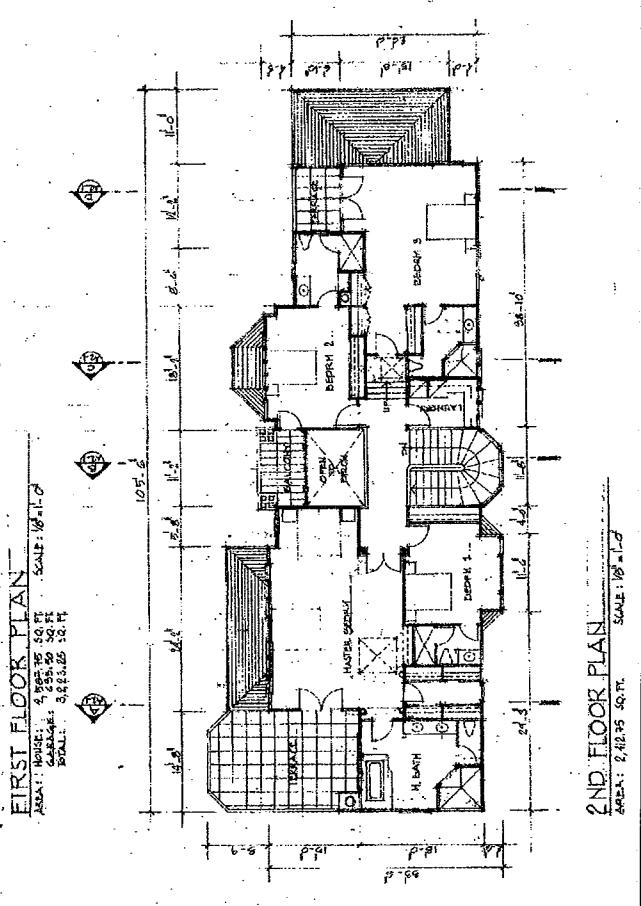
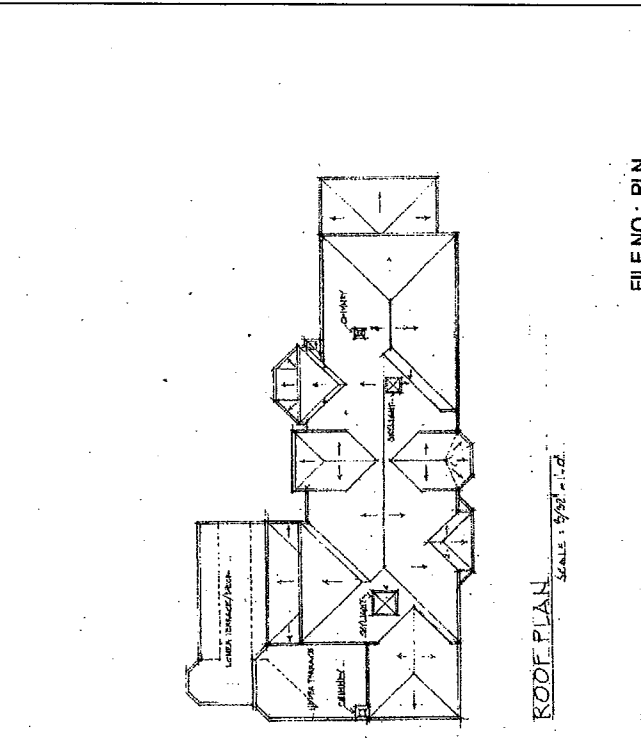
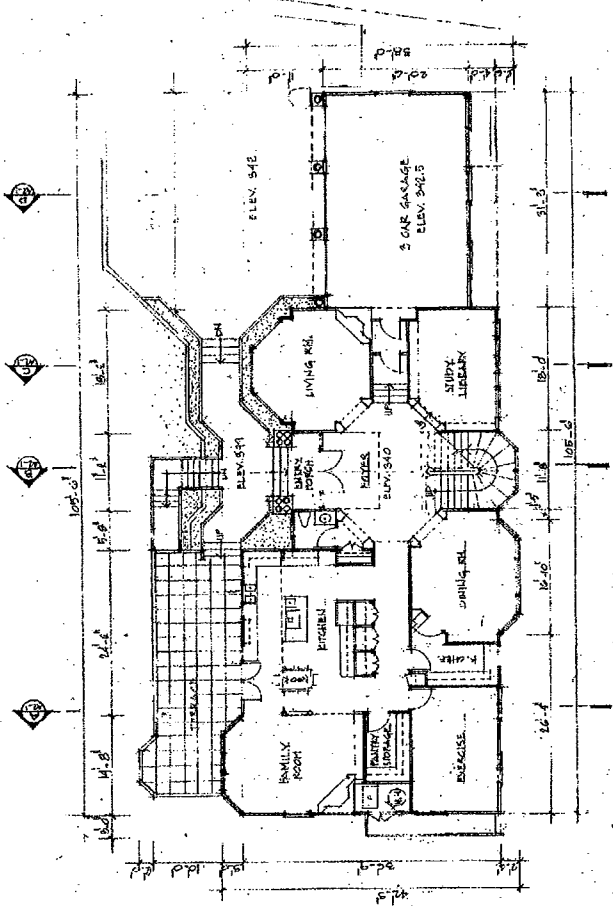
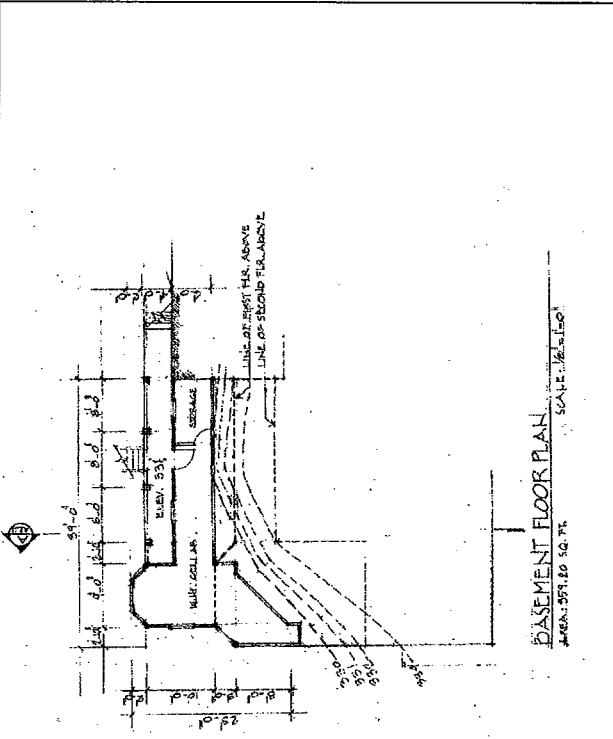
San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

File Numbers: **PLN 2005-00603**

Attachment:

000043



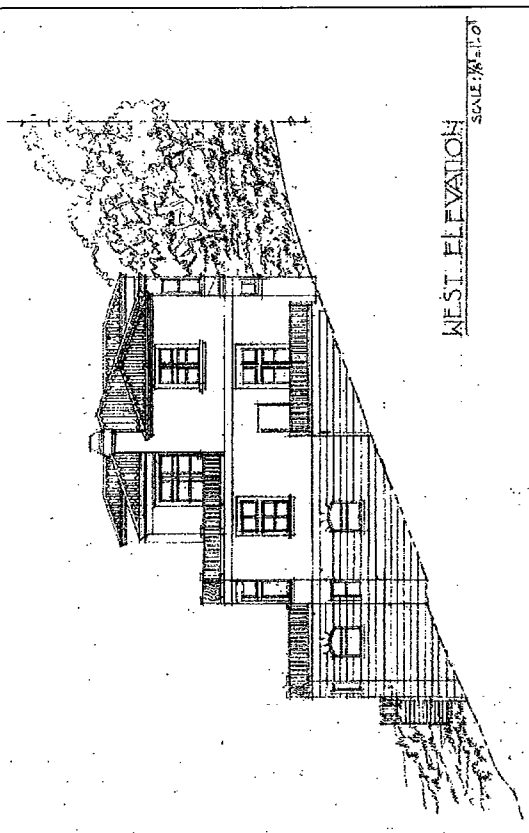
FILE NO.: PLN

San Mateo County Planning Commission's Meeting

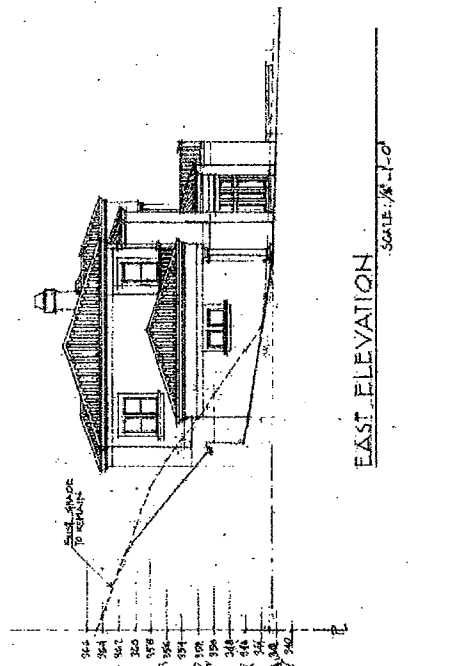
Owner/Applicant: **EHTESHAMI**

Attachment: **000044**

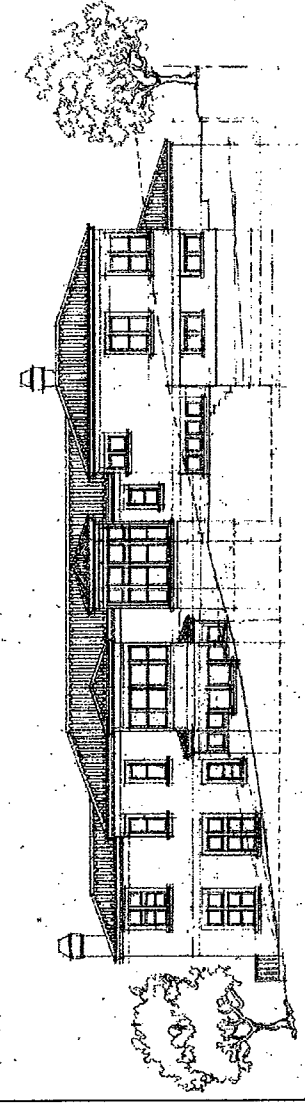
File Numbers: **PLN 2005-00603**



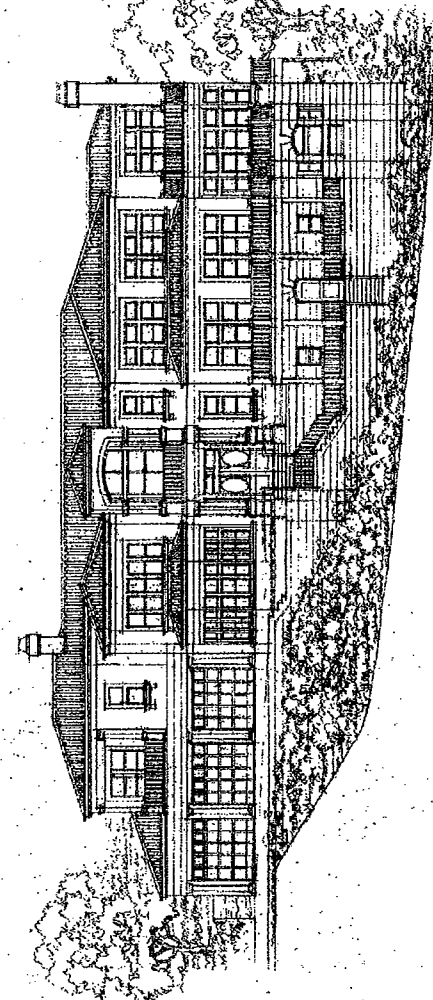
WEST ELEVATION
SCALE: 3/8" = 1'-0"



EAST ELEVATION
SCALE: 3/8" = 1'-0"



SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



NORTH ELEVATION
SCALE: 3/8" = 1'-0"

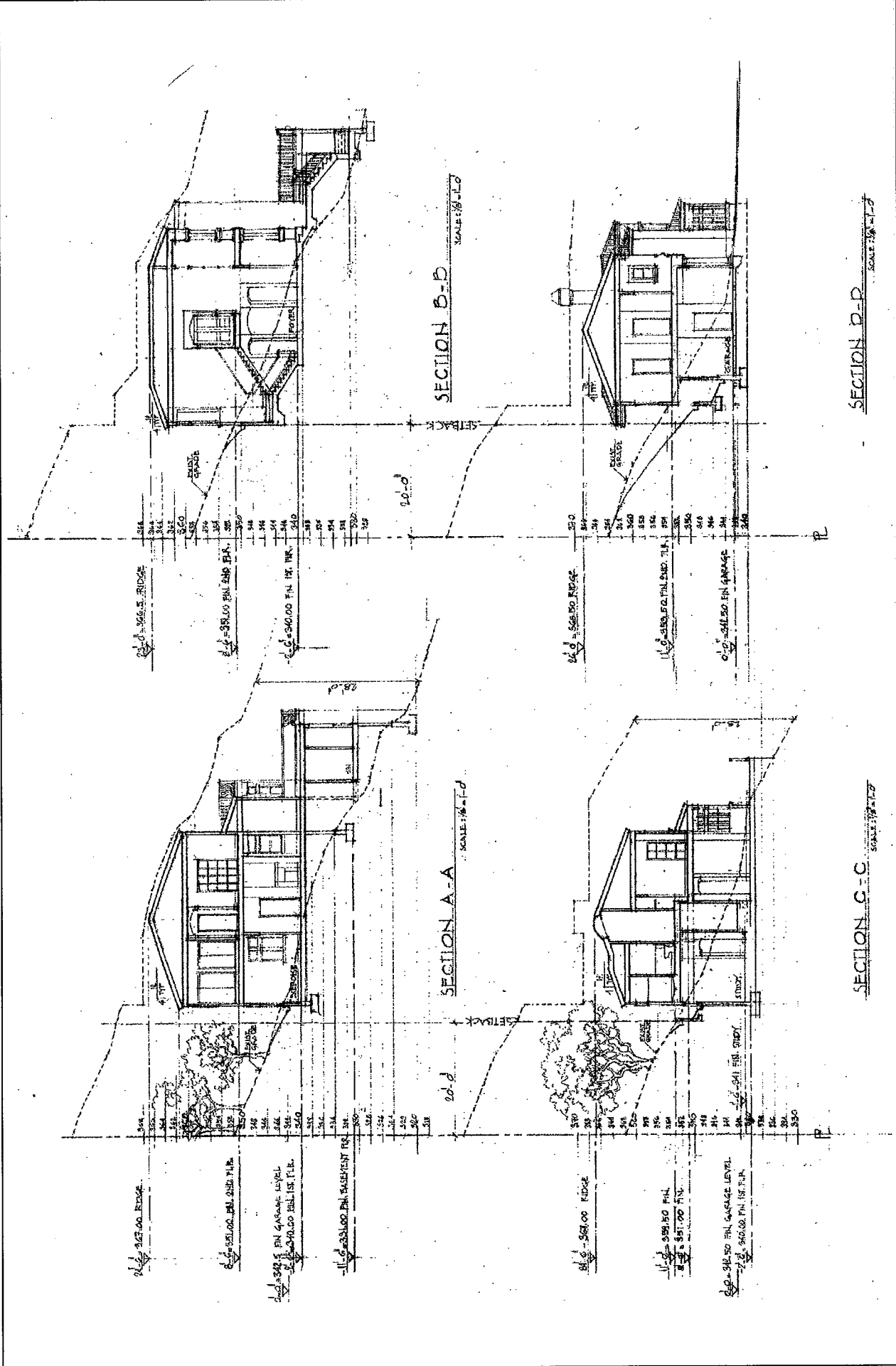
San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

File Numbers: **PLN 2005-00603**

Attachment:

000045

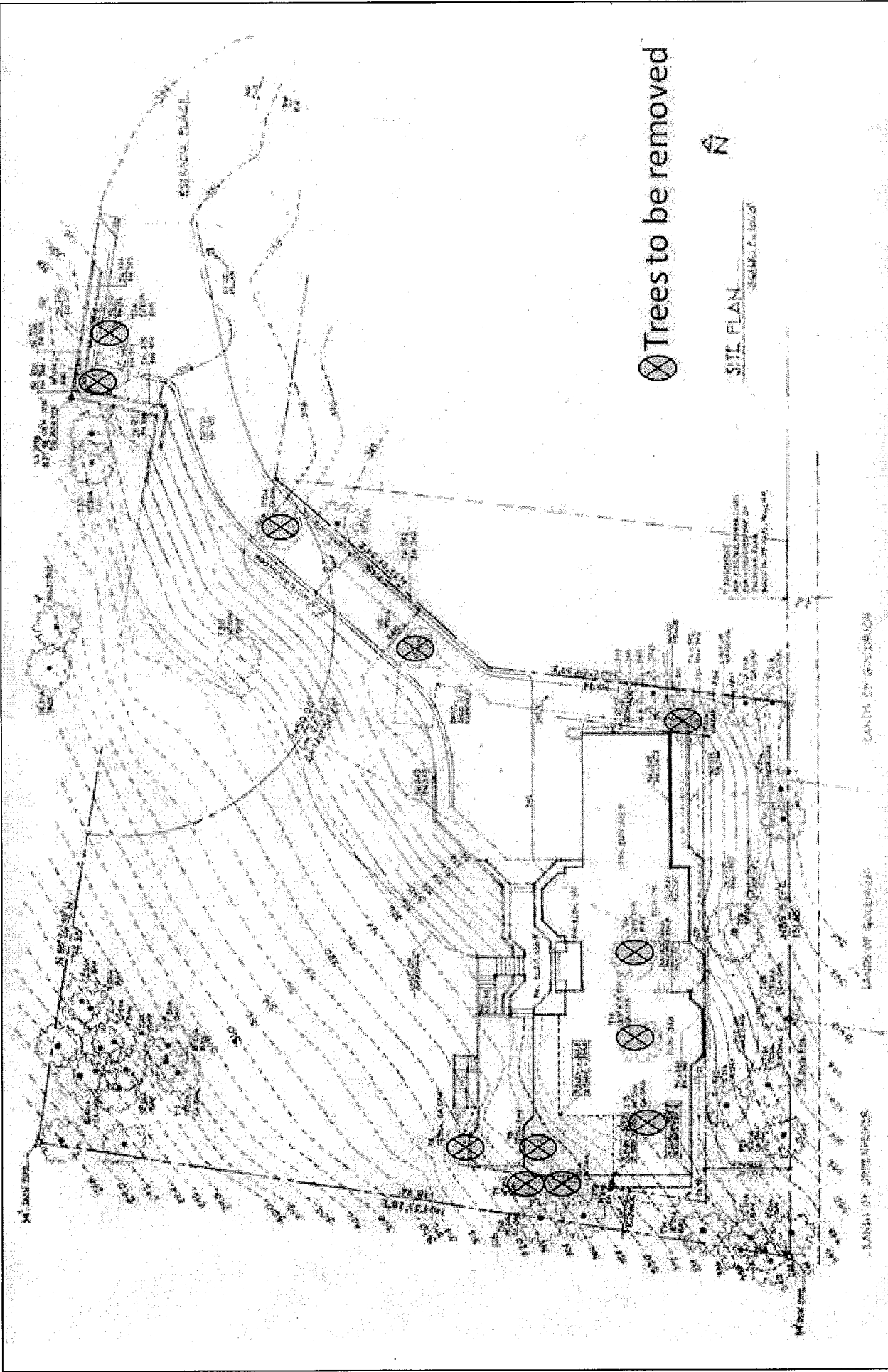


San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

File Numbers: **PLN 2005-00603**

Attachment: **000046**



San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

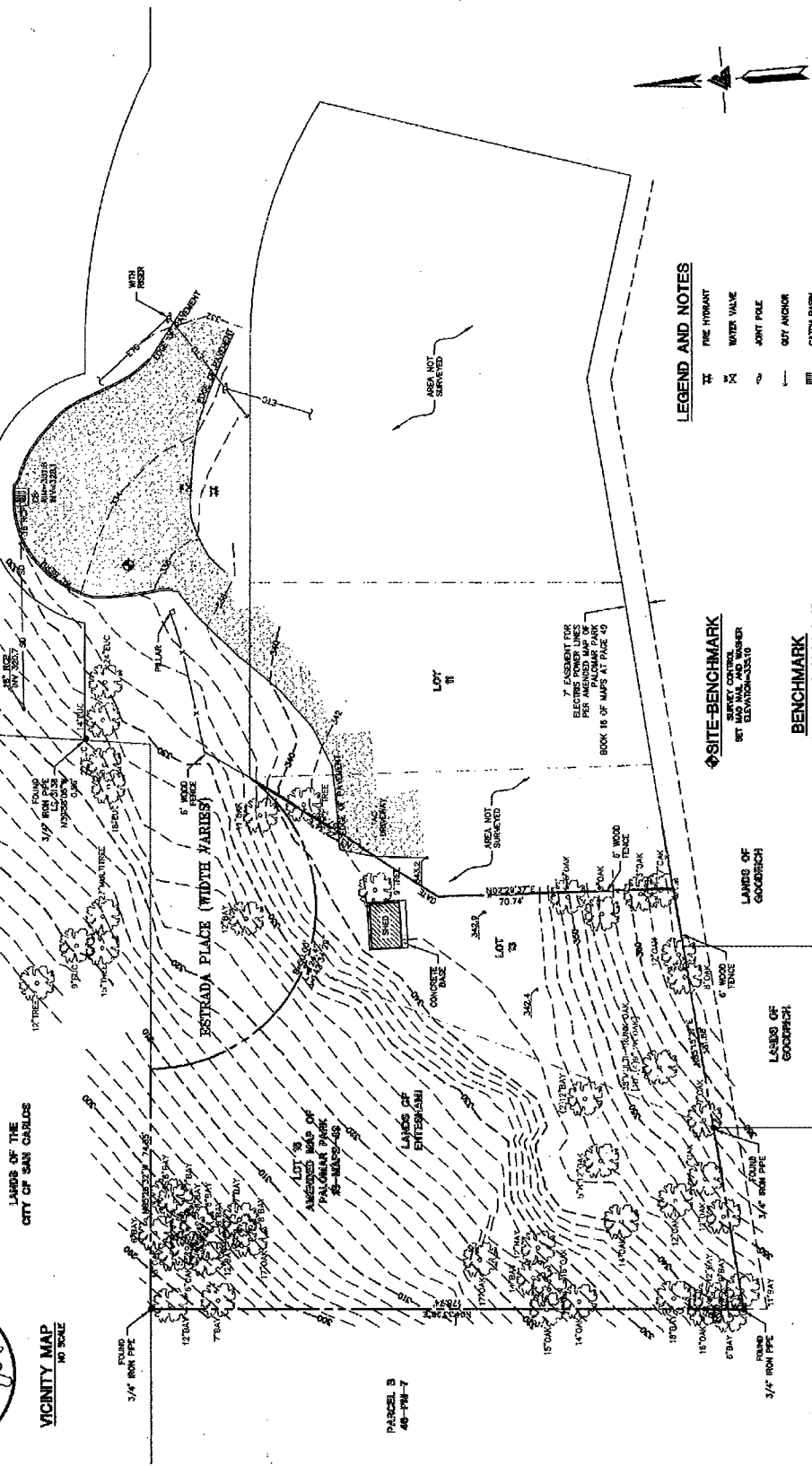
File Numbers: **PLN 2005-00603**

Attachment: **000047**

SURVEY NOTE
 THIS TOPOGRAPHIC MAP REPRESENTS
 A FIELD SURVEY WHICH WAS PERFORMED ON
 FEBRUARY 15, 2007



VICINITY MAP
 NO SCALE



LEGEND AND NOTES

- ⊕ FIRE HYDRANT
- ⊕ WATER VALVE
- ⊕ JOINT POLE
- ⊕ GET ANCHOR
- ⊕ CATCH BASIN
- ⊕ STORM DRAIN LINE
- ⊕ ELECTRIC, TELEPHONE, CANY OVERHEAD LINE
- ⊕ SPOT GRADE
- ⊕ TREE: TYPE AND DIAMETER SIZE AS NOTED
- ⊕ B/C



SITE-BENCHMARK
 SURVEY CONTROL
 SET ELEVATION: 435.20

BENCHMARK
 CITY OF SAN CARLOS BENCHMARK SET
 IN CONCRETE IN A MANTLE WELLS IS A
 5" DIAMETER BENCHMARK SET IN THE
 INTERSECTION OF JAMES STREET AND
 JEFFERSON AVENUE
 ELEV: 124.94

EASEMENTS
 A NOTICE OF EASEMENT WAS FILED
 WITH THE COUNTY CLERK BY L&L
 ENGINEERING, INC. EASEMENTS OF RECORD
 MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

PARCEL 8
 48-198-7

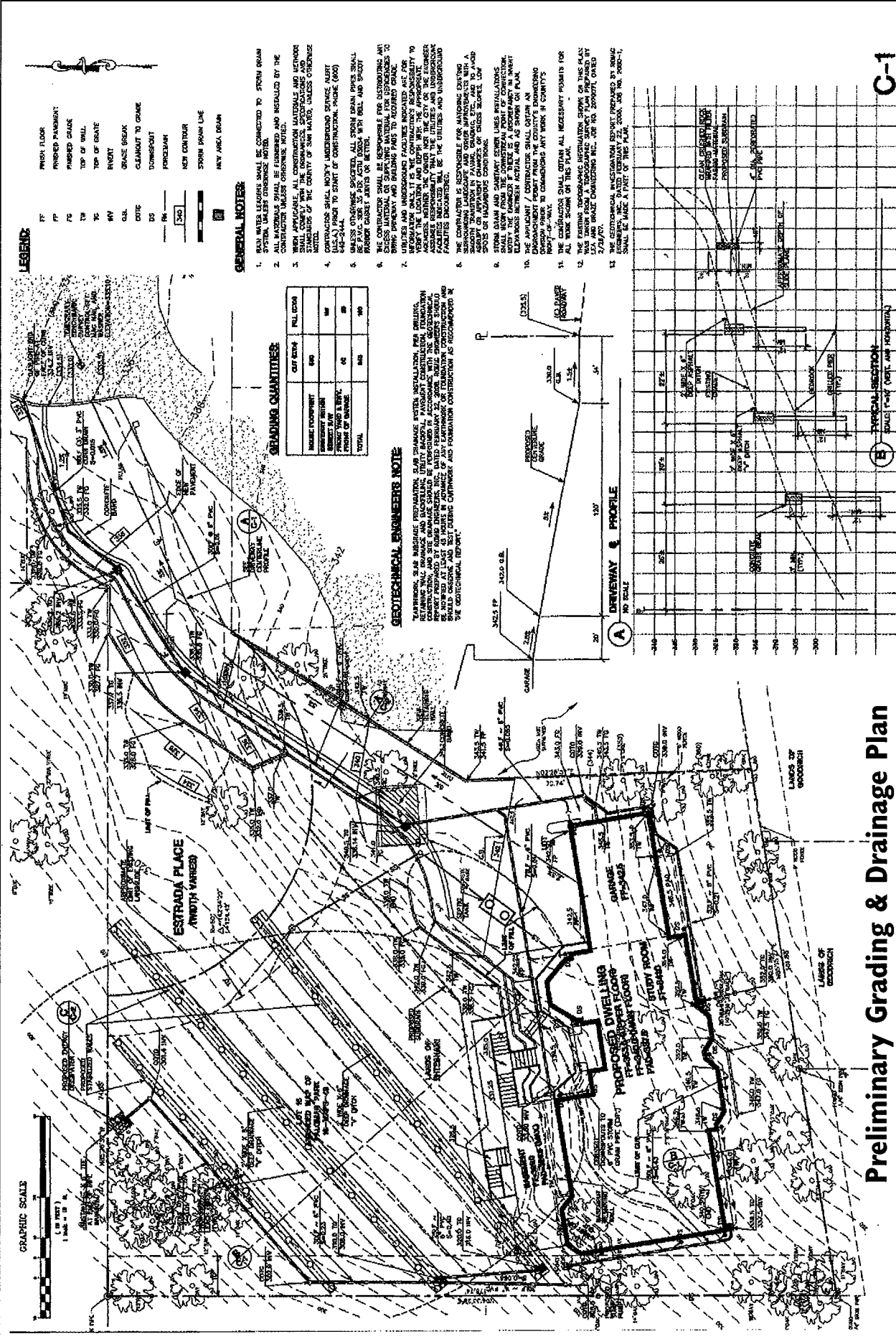
Partial Topographic Survey

San Mateo County Planning Commission's Meeting

Owner/Applicant: **EHTESHAMI**

File Numbers: **PLN 2005-00603**

Attachment: **000048**



Preliminary Grading & Drainage Plan

Owner/Applicant: **EHTESHAMI**
 File Numbers: **PLN 2005-00603**

Attachment:

000049

ATTACHMENT E

BDRC decision letters dated

- 1. May 4, 2006**
- 2. February 8, 2007**
- 3. May 8, 2007**
- 4. June 13, 2007**



May 4, 2006

Babak and Shahla Ehteshami
21 Estrada Place
Redwood City, CA 94062

Dear Mr. and Mrs. Ehteshami:

SUBJECT: Bayside Design Review, File No. PLN 2005-00603
25 Estrada Place
APN 051-022-400

At its meeting of May 3, 2006, the San Mateo County Bayside Design Review Committee considered your application for design review approval to allow construction of a 5,157 sq. ft. single-family residence plus an attached 703 sq. ft. garage on a 20,001 sq. ft. parcel. The Bayside Design Review Committee CONTINUED the item for further consideration. The following requirements should be considered and incorporated into revised plans to be submitted for subsequent review by the Bayside Design Review Committee:

1. A survey by a certified engineer or surveyor is required to show accurate locations of fire hydrant, all trees of more than six inches d.b.h., topography, the structure, and the driveway issue from the turn-around.
2. An accurate site plan based on the new survey is required.
3. Architectural style is incompatible with the site due to its massiveness and its character.
4. A 13-foot high retaining wall is not acceptable. If necessary, step-design the retaining wall to incorporate two or three walls rather than just one.
5. A redesign of the structure is required with emphasis on step-design of the structure.
6. Architectural details to be restudied for compatibility.
7. A new color board of 11" by 17" size should include the primary façade for the rendering presentation. Restudy the color selection by proposing a darker scheme, since the proposed colors are too bright.

**ENVIRONMENTAL
SERVICES
AGENCY**

Agricultural
Commissioner/ Sealer of
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

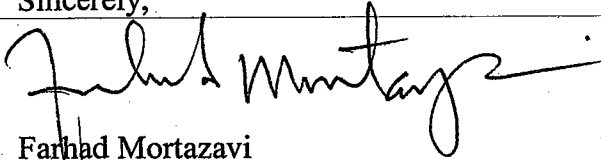
PLANNING AND BUILDING

455 County Center, 2nd Floor • Redwood City, CA 94063 • Phone (650) 363-4161 • FAX (650) 363-4849

000050

Revised plans (five sets) should be submitted no later than June 16, 2006, to ensure a place on the July 5, 2006, Bayside Design Review Committee agenda. Please contact Farhad Mortazavi, Design Review Officer, at 650/363-1831 if you have any questions.

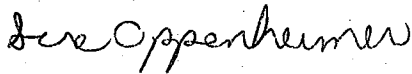
Sincerely,

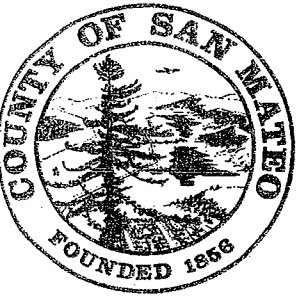


Farhad Mortazavi
Design Review Officer

FM:cdn - FSMQ0437_WCN.DOC

cc: Corey Vian, Community Representative
John Day, Community Representative
Peter Baltay, Community Representative
Joe Varda





February 8, 2007

Babak and Shahla Ehteshami
25 Estrada Place
Redwood City, CA 94062

Dear Mr. and Mrs. Ehteshami:

SUBJECT: Bayside Design Review, File No. PLN 2005-00603
25 Estrada Place, Redwood City (APN 051-022-400)

**ENVIRONMENTAL
SERVICES
AGENCY**

Agricultural
Commissioner/ Sealer of
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

At its meeting of February 7, 2007, the San Mateo County Bayside Design Review Committee considered your application for design review approval to allow construction of a 5,358 sq. ft. new single-family residence plus an attached 642 sq. ft. garage on a 20,001 sq. ft. parcel. The Bayside Design Review Committee CONTINUED the item for further consideration. The following requirements should be considered and incorporated into revised plans to be submitted for subsequent review by the Bayside Design Review Committee:

1. A new survey is required.
2. An arborist report is required specifying trees' conditions (Trees #8, #9, #11, #14, #15, #23 to #26, #28, and #29).
3. A revised plan is required. Revisions need to factor the new survey and arborist report with intention to save trees, while complying with the height requirement.
4. Stake the outline of the structure, certified by a surveyor, for the next hearing.

Revised plans (four sets) should be submitted no later than March 16, 2007, to ensure a place on the April 4, 2007, Bayside Design Review Committee agenda. Please contact Farhad Mortazavi, Design Review Officer, at 650/363-1831 if you have any questions.

Sincerely,

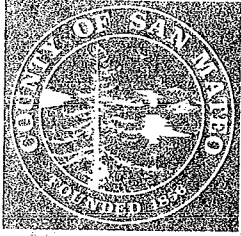
Farhad Mortazavi
Design Review Officer

FM:fc - FSMR0163_WFN.DOC

cc: Doug Naaf, Committee Representative
Kurt and Sue Oppenheimer

PLANNING AND BUILDING

000052



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

May 8, 2007

Babak and Shahla Ehteshami
21 Estrada Place
Redwood City, CA 94062

PROJECT FILE

Dear Mr. and Mrs. Ehteshami:

SUBJECT: Bayside Design Review, File No. PLN 2005-00603
25 Estrada Place, Redwood City (APN 051-022-400)

At its meeting of May 2, 2007, the San Mateo County Bayside Design Review Committee considered your application for design review approval to allow construction of a 5,354 sq. ft. new single-family residence plus an attached 635 sq. ft. garage on a 20,001 sq. ft. parcel. The Bayside Design Review Committee CONTINUED the item for further consideration. The following requirements should be considered to be submitted for subsequent review by the Bayside Design Review Committee:

1. A third arborist report's analysis of Trees 10, 12, 22, and 26 is required. Measures to be given for these trees for the best chance of saving them during construction or by change in construction parameter, if necessary.
2. A profile design is required to indicate the proposed structure in relation to the rear neighboring structure, emphasizing bedroom windows' relations on both structures, and showing elevation differences between these windows.
3. Grading clarification is required.

Plans and report should be submitted no later than May 22, 2007, to ensure a place on the June 6, 2007, Bayside Design Review Committee agenda. Please contact Farhad Mortazavi, Design Review Officer, at 650/363-1831 if you have any questions.

Sincerely,

Lisa Grote, Community Development Director

LCG:FSM/kcd - FSMR0500_WKN.DOC
cc: Kurt and Sue Oppenheimer

000053



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122

plngbldg@co.sanmateo.ca.us

www.co.sanmateo.ca.us/planning

June 13, 2007

Babak and Shahla Ehteshami
21 Estrada Place
Redwood City, CA 94062

Dear Mr. and Mrs. Ehteshami:

SUBJECT: Bayside Design Review, File No. PLN 2005-00603
21 Estrada Place, Redwood City
APN 051-022-400

At its meeting of June 6, 2007, the San Mateo County Bayside Design Review Committee considered your application for design review recommendation of a 5,364 sq. ft. new single-family residence plus an attached 635 sq. ft. garage on a 20,001 sq. ft. parcel. The proposal requires an administrative grading permit for 800 cubic yards of cut and fill, which will take place at a future date. Twelve trees will be removed.

Based on the plans, application forms and accompanying materials submitted, the Bayside Design Review Committee recommended approval to the staff for a decision on the project subject to the following finding and conditions:

FINDING

The Bayside Design Review Committee found that:

For the Design Review

This project has been reviewed under and found to be in compliance with the Design Review Standards for Palomar Park, Section 6565.16 of the San Mateo County Zoning Regulations. The proposal was reviewed by the Bayside Design Review Committee at four different hearings on May 3, 2006, February 7, 2007, May 2, 2007, and June 6, 2007. The Committee found the proposal in compliance with Design Review Standards and recommended approval of the project.

The Committee found the project in compliance with Design Review Standards because the project: (a) minimizes tree removal and blockage of sunlight on neighboring buildings, (b) respects the privacy of neighboring houses and outdoor living areas, (c) is architecturally compatible with the neighborhood, (d) is step-designed to be compatible with the natural topography of the site, (e) has well proportioned and articulated façade, and (f) utilizes earth-tone colors compatible with the natural setting and the neighborhood.

000054

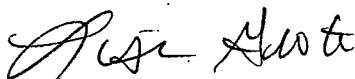
CONDITIONS

The applicant shall forward the following list of requirements, stipulated by the Bayside Design Review Committee, to the Design Review Officer for review and approval. These changes shall be included on the applicant's building permit plans:

1. Remove the family room's chimney.
2. The southerly bathroom windows need to utilize frosted glass, to be noted on rear elevation.
3. The covered walkway shall be no greater than three feet, six inches wide.
4. Tree protection measures are required for the west and south sides of the property to protect the significant oak trees.
5. Lower exterior elevations shall include Quins, to be verified as a final inspection by the Planning Department.
6. Replacement trees shall be of 15-gallon minimum size of a ratio of two trees for each tree removed. Tree species shall be live oaks and bays, and shall be planted south and on the southwest sides of the house buffering it from rear neighbors.
7. The garage ceiling shall comply with the Building Code of eight feet minimum while the structure's height and grading will not be affected.
8. Any damage to Estrada Place during construction shall be repaired by the property owner.
9. As submitted, all mechanical equipment and HVAC shall be contained within the structure.
10. The Geotechnical Section of the Building Inspection Section shall review and approve the applicant's submittal of the geotechnical report, addressing soils, and specifically debris covered by dirt 57 years ago.

This recommendation is advisory to Planning and Building staff, and will be considered during the review of the overall project at a future date.

Sincerely,



Lisa Grote
Community Development Director

LG/FSM:cdn – FSMR0626_WCN.DOC

cc: Kurt and Sue Oppenheimer
Richard and Joann Landi
Diane and Sierra Tyrrel
James Goodrich
Nancy Gerst
Jane Duncan

000055

ATTACHMENT F

Correspondence from June 6,
2007 BDRC hearing

KURT OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

RECEIVED

May 25, 2007

MAY 25 2007

Mr. Farhad Mortazavi
Design Review Officer
Planning and Building Division – San Mateo County
455 County Center
Redwood City, CA 94063

**San Mateo County
Planning Division**

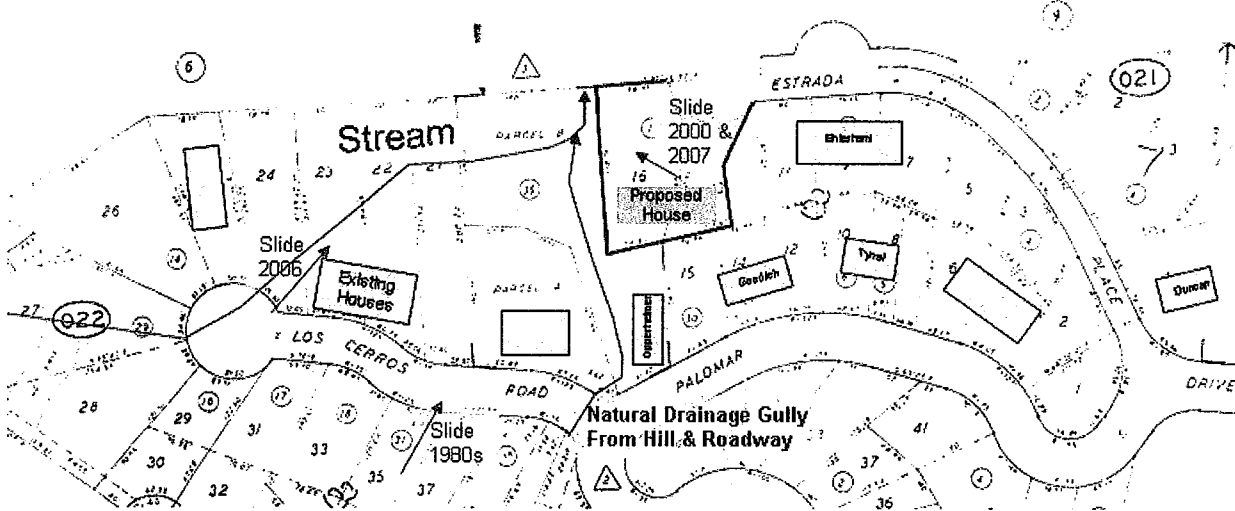
Re: June 6, 2007 Bayside Design Review, 25 Estrada Place in Redwood City (File No. PLN 2005-00603)

Dear Mr. Mortazavi:

This is in response to the Notice of Public Hearing for consideration of design review approval for the construction of a new residence at 25 Estrada Place in Redwood City. We share two property lines (E4°44'3" N131.88' & N4°33'28" E178.74') with the proposed construction site. I have the following comments with respect to the building plans submitted on May 22, 2007 and wish them to become part of the public record:

The area of Palomar Park where the proposed house is to be built is one that has experienced slides over the years (1980's, 2000, 2006 and 2007). The drawing below shows the approximate location of these slides, the proposed house, streams, and hillside drainage.

All locations are approximate & not to scale



The lot for the proposed house has experienced slides in 2000 and again this past winter. The locations of these slides start in an arc that goes through the Northwest front corner of the proposed house and continues along the proposed driveway. The slides end in the stream in the northwest corner of the property. This location is where the proposed leach field for the septic system is to be placed. Given the history of slides, the extensive cutting into the hills that will have to occur for the house and the leach field are cause for great concern. To address these concerns we met with the county Geo Tech Dept about the project.

Grading Issues

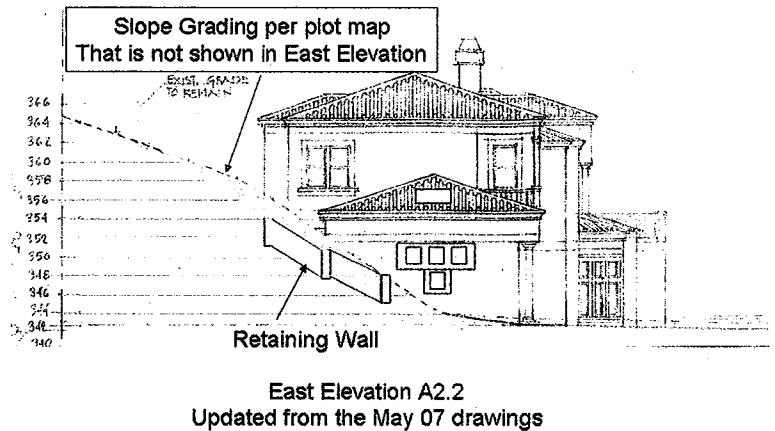
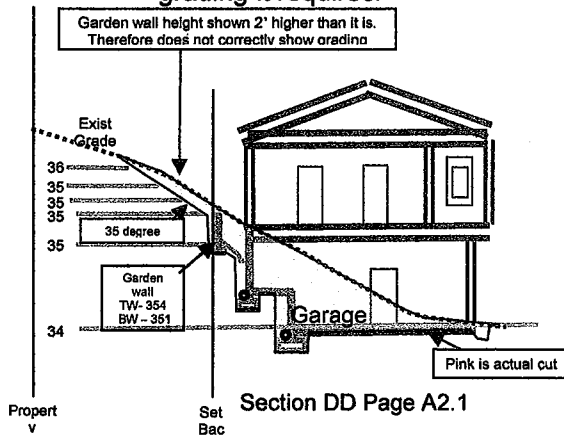
- **No new cut and fill calculations were submitted for the current plans.** The only estimates on file for review are dated May 2, 2007 and are based on a previous design. This letter states 1500 cy cut and fill.
- **Stated grading requirements are not for the total site.** The grading requirements of the leach field are not included in the grading estimates. See the Leach Field comments below. Ultimately, there needs to be a single, comprehensive grading estimate/permit for this site.

000056

KURT OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

- **Extent of grading is underrepresented.** In addition to the omissions stated above, the construction of French drains and retaining wall footings require more grading than that represented on the plans. See figure below.
- **The grading is inaccurately represented across the plans.**
 - The limit of grading shown on the site plan A1.1 shows grading to begin ~8' from the southeast property line, but on Sec D-D A2.1 it shows no grading within the 20' setback.
 - Sec D-D A2.1 also states the height at TW @ 356', but on A1.1 it is @ 354', requiring 2' more grading than what is shown.
 - The East Elevation A2.2 shows no garden wall (which wraps around the house) nor the subsequent grading it requires.



Leach Field Issues

- **The leach field is located in an active slide area.** The only remedy currently on file is based on GEI Consultant's preliminary report (Aug 3, 2001) and subsequent letter (Aug 21, 2003) recommending the installation of a keyway across the face of the slide at a depth of 5' into competent rock, requiring the excavation of between 5-9 vertical feet of slide debris and clay. The grading requirements for this will be considerable and are not included in the estimates for the site.
- **The leach field is not included in the site plan.** Design Review Application Requirements (Section 6565.6 B.9.) state the site plan must clearly show proposed septic leach field lines. These have been omitted from the drawings.

Cuts into the hillside:

- The location of the proposed cutting into the hillside is just below the Goodrich's (624 Palomar Dr) septic system which had to be relocated in the 1950's when the hillside was cut the first time to build the applicants existing home. The County Geotech Department expressed concern with the impact that will cause.

Drainage:

- The current proposal for the drainage of the hillside and retaining walls will either deposit the run off on top of the existing slide area or to the west slope above our property. Both scenarios raise concerns about the increased water flow into soil that is known to be poor having a clay layer beneath the slide rubble. The County Geotech Department expressed concerned about the impact that will cause.

The Design Review Committee needs to answer:

- Do the plans to develop the site meet the goals for development in Palomar Park as published in the Standards for Design in Palomar Park (Section 6565.16) which states "site new buildings on a parcel in locations that ... minimize alteration of the natural topography...?"

My belief is that this proposal does not.

000057

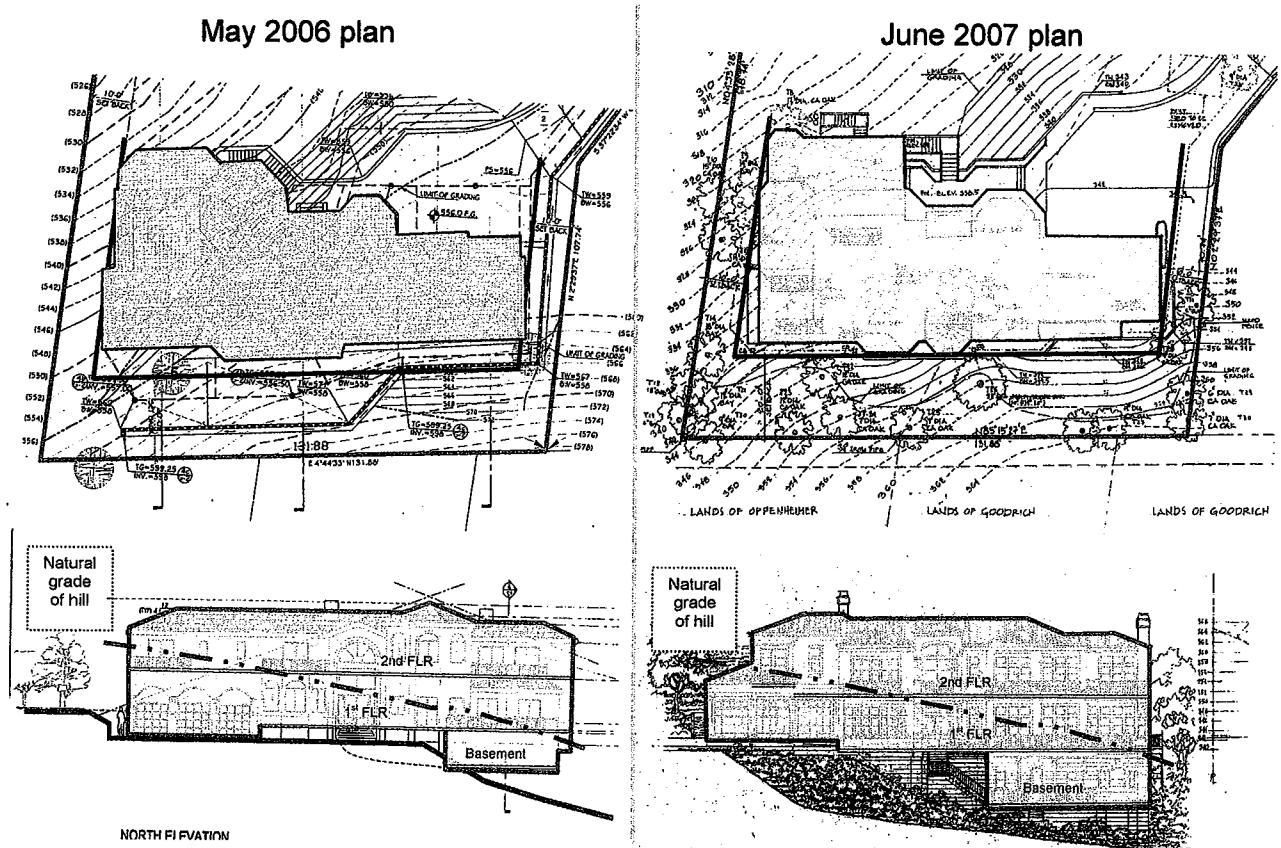
KURT OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

Design Requirements

At the May 3, 2006 meeting the committee concluded that "a redesign of the structure is required with emphasis on step-design of the structure" and that "the architectural style is incompatible with the site due to its massiveness and character." These requirements have not been met.

The applicants were instructed to incorporate the requested changes into revised plans. The figure below shows a comparison of the footprint and profile of the original design submitted for review in May 2006 with the current design. It is virtually unchanged.



The footprint of the structure has grown and is now all the way back to the 20' set back. The design calls for two continuous level floors. From the contour line of the natural grade, it is clear that no attempt has been made to step the structure. To create the level pad for the structure the natural grade is being cut to the extent of the red line.

It is not clear why the Design Committee has chosen not to enforce their own direction with respect to this design. In the May 2, 2007 review it was stated that the applicant had spent a lot of money on the project and the committee could not tell them to move or redesign the house. We can not accept this statement. Just because someone spends money on a non-compliant design does not mean it should be approved. I request that you to look at this design in its current form - it is massive and incompatible with Palomar Park.

Tree - Removal and Jeopardy

- **A large number of trees will be removed for this construction.** The house is situated in the most heavily wooded portion of the property and reserves the flat open space for a driveway and turn around. Current plans call for 12 trees to be removed and 6 more will be subjected to grading within 4'-6' feet of them. The trees are integral to the character of the neighborhood and for soil stability. To build the retaining walls (free standing or part of the house) will require cutting beyond where the retaining walls are shown on the plans for both the foundations and French drains.

KURT OPPENHEIMER

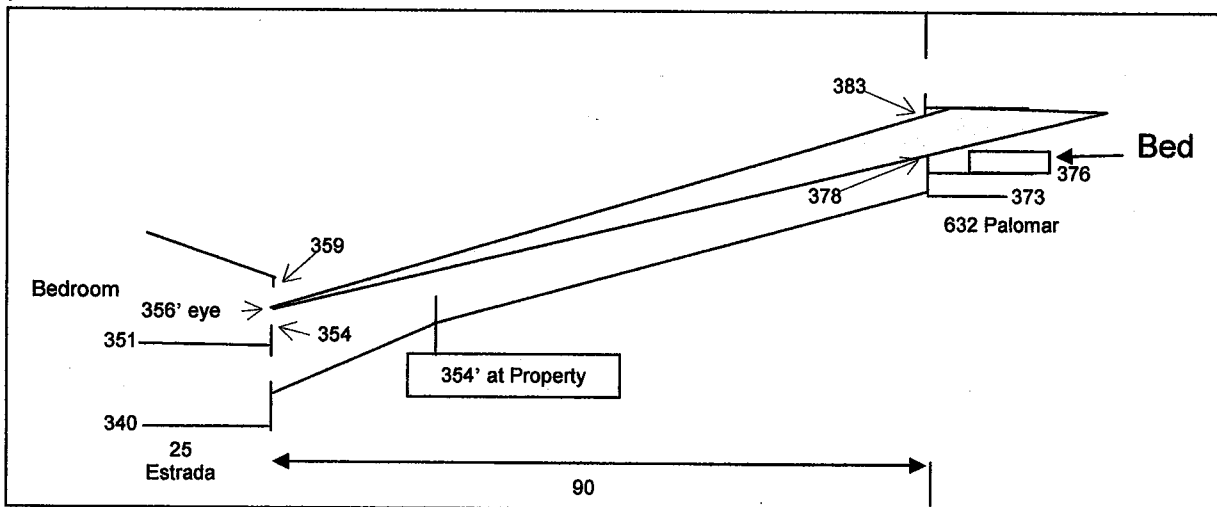
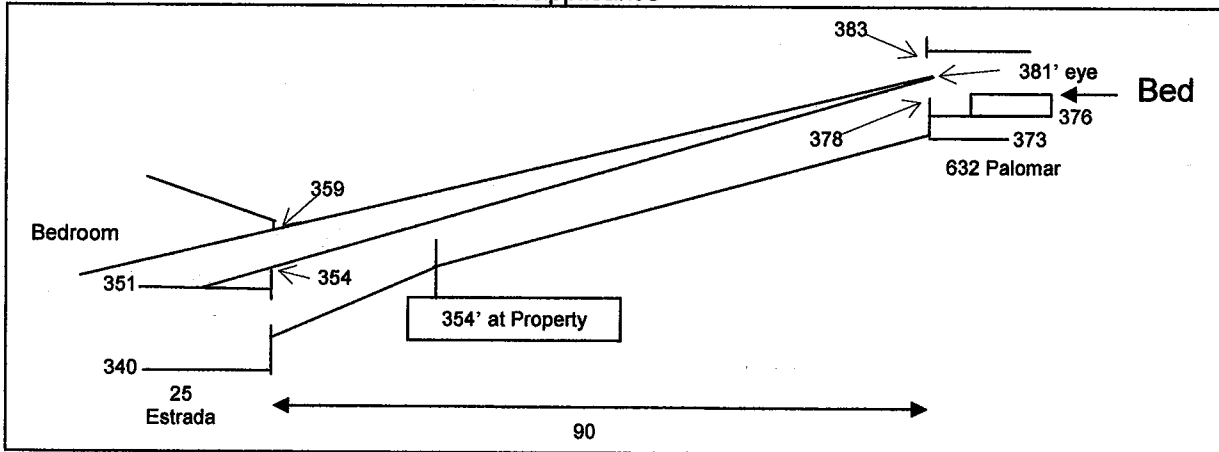
632 PALOMAR DRIVE REDWOOD CITY, CA 94062

- I have hired an arborist to recommend what protection is needed to ensure that our trees survive this project. The arborist report should be ready for the June meeting and we will submit any recommendations then. I would like to note that when I requested permission for our arborist to access the applicant's property, they said no.

House Design Issues

- Remove western chimney.** From the start of this project we have discussed our concerns with the visual impact this house will have to our view. As more of the tree canopy is removed the impact will increase. To lessen the impact we request that the western chimney be removed. Since the fireplace must be gas burning only we request the flue chimney be replaced with one that vents through the wall.
- Location of mechanicals.** In May 2006 we requested that the AC compressor not be located on the South side of the house, which places it closest to our bedroom. We do not have AC and prefer to keep our windows open letting in fresh air and the sounds of nature. There is no notation on the plans that indicate if and where an AC compressor unit will be placed. We reiterate our request.
- Use of frosted glass.** We were please to see the use of frosted glass in bathrooms on Western end of the house. We request that **frosted pane also be used in the bathroom over the study.**
- Sight lines.** Below are my drawings for the sight-lines between our bedroom and the proposed bedroom.

This is the view from our bedroom in to the applicant's

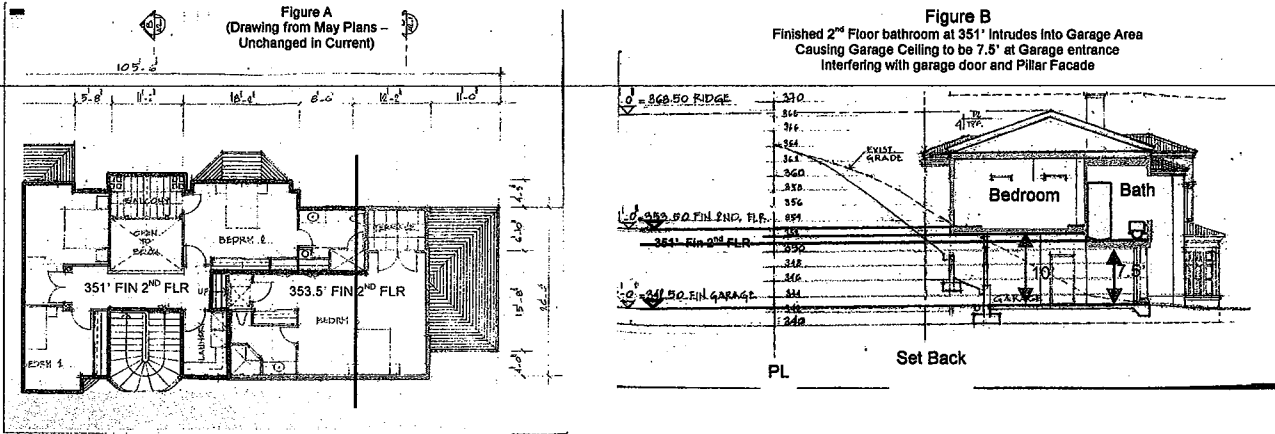


This is the view from the applicant's bedroom to our bedroom. This sight line will provide an unobstructed view of our bedroom and bed, thus eliminating our privacy.

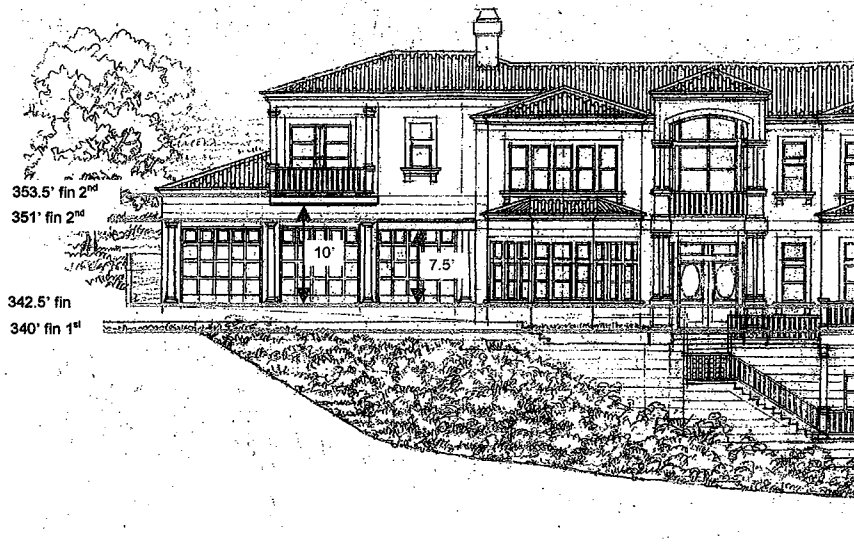
KURT OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

- The design of the house can not be built with the proposed elevations. The figure A below is of the second floor with the elevation of the finished floor color coded – Pink 351' and yellow 353.5'. If you take a cross section at the red line through the bathroom, you get the Figure B.



This shows that there is only 7.5' of clearance in the garage below the subflooring and joists. Additionally the right edge of the second floor is designed to be supported by the pillars of the garage. The following is a view of the front of the house with the impact of this issue:



Getting the necessary clearance in the garage and for the front elevation with pillars (etc), will impact either the overall height of the house pushing the height limits (currently at 26') or require more grading to occur to lower the finished level of the garage.

In either event, the correction to this issue needs to be seen and approved by this committee.

000060

KURT OPPENHEIMER

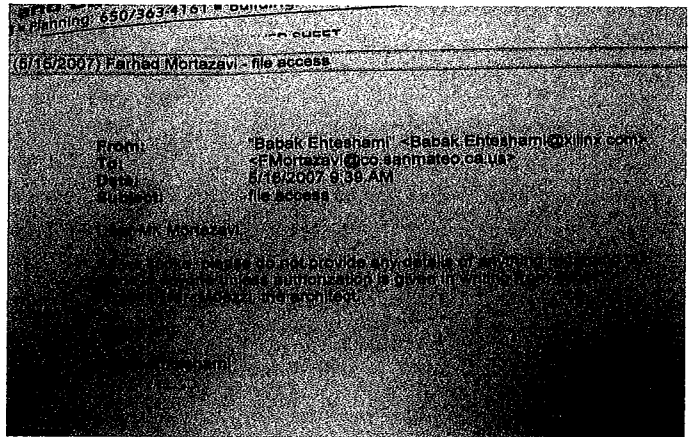
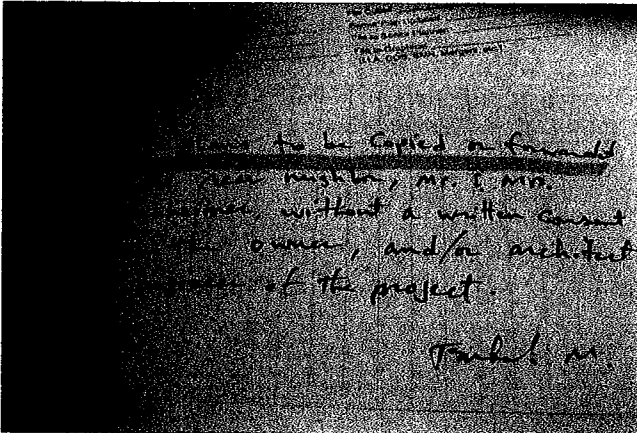
632 PALOMAR DRIVE REDWOOD CITY, CA 94062

Property Valuations

After the May '07 meeting, I met with the applicant to discuss this project on May 7th. During this discussion the applicant stated that he had considered building a home with the garage under the house, but that he was convinced he could get \$300,000 more in resale if the home was a flat pad design. It is not acceptable that our property value be decreased by the impact of this structure in order to increase the applicant's resale value!

Public Access to review this design:

It is disappointing that any applicant would try to limit the publics' ability to review the materials they provided to this committee by telling the planning department "**Please do not provide any details of anything regarding our plans to anyone..**". It is disturbing that this would be done by an applicant that is our community representative on this committee. And it is very troublesome and problematic that the Design Review Officer handling this case would agree to limit public review. The following email and notes have been attached to the planning file of this project and a note was logged into the computer record specifically singling us out so as to not get information. We have addressed our concerns with Jim Eggenmeyer and he ensured that we and others have access to view the applicants file.



Notes attached to 25 Estrada Planning File
By Farhad Mortazavi – Design Review Officer
As of May 18,2007

In summary, I am not against the building of a house on this lot. I simply want any building to meet the design guidelines for Palomar Park, the building codes, and for the process for getting approval be followed.

Sincerely

Kurt Oppenheimer

000061

Sue Oppenheimer

632 Palomar Drive Redwood City, CA 94062

RECEIVED

MAY 25 2007

May 25, 2007

Mr. Farhad Mortazavi
Design Review Officer, Planning and Building Division – San Mateo County
455 County Center
Redwood City, CA 94063

**San Mateo County
Planning Division**

Re: June 6, 2007 Bayside Design Review, 25 Estrada Place in Redwood City (File No. PLN 2005-00603)

Dear Mr. Mortazavi:

This is in response to the Notice of Public Hearing of consideration of design review approval for the construction of a new residence at 25 Estrada Place in Redwood City. We share two property lines (E4°44'3" N131.88' & N4°33'28" E178.74') with the proposed construction site and have the following comments, for inclusion in the public record, with respect to the building plans submitted on May 22, 2007.

One reason for the creation of the Design Review Committee was to "prevent the erection of buildings and structures unrelated to the sites, incompatible with the character of the neighborhood and insensitive to the natural environment." As such, design guidelines have been created to help protect the unique and fragile environment we currently enjoy in Palomar Park.

It has been suggested by some in previous meetings that because the applicant has already invested time and money in this design they cannot be expected to make significant changes now. It does not matter how much work has been done on the proposed design or how many changes have been made--*only how compliant the proposed project is as presented today*. It can be summarized as follows:

- A ~3000 sq ft flat pad house placed into a hillside with ~3000 sq ft of visible, paved driveway, requiring...
- the removal of 12 trees and grading within 4'-6' of 6 additional trees
- A leach field in an active slide area
- An indeterminate amount of grading with an estimate as high as 1500cy, not including leach field requirements.

Would a de novo review of the house conclude that it represents a reasonable application of the design guidelines for the preservation and protection of Palomar Park?

With each review the proposed solution to the previous meeting's critical path issue spawned a new problem:

- In May 2006 the design was rejected for having a 13ft retaining wall and for its massiveness, character and for not having a step-in design.
- The solution for the retaining wall issue, presented in Feb 07 resulted in a design that was 40' tall at the highest point.
- The solution for the overheight issue, presented in May 07 was a design drastically dug into the hillside resulting in 1500 cy cut/fill and 20 trees either removed or jeopardized by the construction.

000062

Sue Oppenheimer

632 Palomar Drive Redwood City, CA 94062

This is the 4th design review for this project. Many of the issues that have been raised in the previous meetings have been precipitated by the applicant's decision to create, through a 2001 Lot Line Adjustment, a parcel that is ill-suited to the house design—a design which was chosen after the fact.

The inability to solve one problem without creating new ones reinforces the lack of suitability of the design to the site.

It should not be the responsibility of the neighbors to "watchdog" this project to ensure compliance. The review process is intended to serve the public interest of all parties involved, and yet this project has been allowed to come before the review committee with an incomplete application for all 4 reviews. Past reviews have been conducted without some or all of the required data—accurate survey data, corner markers staked, trees marked and leach field details and the current application is still lacking any leach field details. How can a project be reviewed without a leach field?

Additionally, numerous issues have been raised in each review meeting and yet only some of them are addressed. Previous design review directions *upon which the continuances are contingent* have been ignored or unaddressed by the applicant. They have been neither carried forward to ensure completion nor dismissed by the review committee. *This has resulted in a piecemeal approach to solving the individual issues without regard for the effect on the total design.* The still outstanding issues are:

- The massiveness, character and step-in requirements have not been addressed.
- Omission of the leach field in the site plans fails to factor its requirements into the planning process and *renders the application for design review incomplete.*
- The use of county property for the driveway and leach field, including building retaining walls and removing trees on said property.
- The number of trees removed has increased rather than decreased with each revision and now stands at a disturbingly high number.

If, in fact, it falls upon the neighbors to ensure their interests are protected then the ability for the public to comment should not be restricted. And yet many of the neighbors within the 300' radius for notification have received no notice of subsequent review meetings after the first one held in May 2006. Worse still, is the applicant's written instructions to the Design Review Officer to *"not provide any details of anything regarding our plans to anyone unless authorization is given..." and that this note should be placed on the cover of a public record!* Minimally, this project should be required to comply fully with the published application and review process requirements.

I believe a comprehensive review of the project will support the conclusion that it does not represent a reasonable application of the design guidelines for Palomar Park, is incompatible with the character of the neighborhood, and presents a threat to the safety/stability of the fragile hillside. *As such, I respectfully request that the project, as presented today, be rejected until a design and placement more suitable for the site is proposed.*

Sincerely,



Sue Oppenheimer

000063

TYRREL CONSTRUCTION

General Contractors
Diane Tyrrel
616 Palomar Drive, Redwood City, CA 94062
License #708792
Phone and Fax (650) 369-7838

May 25, 2007

Mr. Farhad Mortazavi, Design Review Officer,
Planning and Building Division, San Mateo County

Dear Mr. Mortazavi and County of San Mateo,

My home shares the hill with those on the upslope side of Estrada Place, where a large new construction project has been proposed. When I asked about the outcome of a hearing regarding this project several months ago, I was told the homeowner had decided not to pursue it. So I was surprised to learn that plans for the project were actually in procedure, and that I had not received notice of the subsequent public hearings.

I want to believe we are all in agreement as to the importance of maintaining minimal impact on the oak woodlands, and the need to avoid excessive tree removal and alteration of the natural terrain. It is this wild landscape that makes Palomar Park valuable and special. Let us remember that here in the bay area, a cozy home nestled in the woods, surrounded by meadows and ancient oaks, is far rarer and much harder to come by than a multi-thousand square foot mansion.

But my main concern is for the safety of the hillside. I would like to feel secure that the questions raised regarding slide areas, topographical inconsistencies, and septic system locations have been satisfactorily answered. The proposed building site is on a steep hillside below an existing house. Just within the past year, a portion of the paved road broke off and slid down the hill at the end of Los Cerros, which is near the proposed location of the new construction. I am told the property on which the new house is to be built also has a history of slides. The recent collapse of a hillside in San Francisco beneath an apartment building illustrates how such a disaster can affect not only the owners of the property, but those with adjoining properties as well.

It is essential that all safety issues are addressed, proper procedures are followed, and full access to public process is assured. Please regard this letter as a request for notice of future hearings on proposed building projects in my neighborhood.

Sincerely,



Diane Tyrrel

RECEIVED

MAY 25 2007

**San Mateo County
Planning Division**

000064

June 4, 2007

Received @ the hearing
by Sue Oppenheimer, on
6/6/07

Mr. Farhad Mortazavi, Design Review Officer
Planning and Building Division, San Mateo County

Dear Mr. Mortazavi,
(Re: June 7, 2007 Public Hearing for the Design Review for the proposed residence at 25 Estrada Place, Redwood City.

While I do not own property sharing a property line with the site, I have lived in Palomar Park for more than 44 years. There have been a few changes (mostly due to more people and more cars) over the years but there has always been a desire by most of the residents to maintain and retain the country character of the area. For the most part, any new development or remodeling projects have stayed true to certain size and appearance parameters set by the County's own design guidelines for Palomar Park. There has remained a consistent look and feel to the homes in the neighborhood. In my opinion, the character and size of the proposed project, which includes a residence of over 6000 sq. feet is incompatible with the existing homes in the surrounding area and would quite likely set precedent for the construction of additional, massive homes in the future. If you were to poll the residents of Palomar Park, most would not want to see what happened in Emerald Lake to happen here.

Those who have lived here over the years are quite familiar with the problems that exist with drainage and erosion. Most of us live on a slope and are subject to water movement on the surface as well as subterranean water flow. In addition, we all have septic tank drain fields traversing our properties and so we all must plan for placement of our structures and take action to prevent or mitigate any water flow or drainage problems. The fact that this property lies nearby areas of past instability due to slides, poses a potential problem for not only the surrounding properties but for the proposed residence as well. An existing leach field lies directly above the proposed residence, in an area of past soil instability. I am concerned that this could present a health issue for all involved if and when grading and excavation occurs.

Finally, the design for this project calls for the removal of a number of trees. While I realize this is usually true for most projects, is there a way for the structure to be placed on the site that would minimize the number of tree that would be impacted?

In closing, I certainly believe the owners have a right to build on their property if their proposal meets the requirements of the County Planning Department and the guidelines of the Design Review Committee. Please make sure that all the necessary legwork is done to ensure that these requirements are met before giving approval to this project.

Thank you for your time and commitment to the process,

J. Nelson
615 Palomar Drive



000065

Shahla Y. Ehteshami
21 Estrada Place
Palomar Park, CA 94062

June 6, 2007

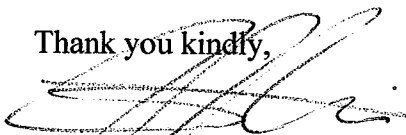
Attn: Mr. Chairman and members of the Design Review Committee
San Mateo County

Re: File Number PLN 2005-00603 – 25 Estrada Place, Palomar Park

Dear Mr. Chairman,

I am a co-owner (wife of Babak Ehteshami) of the above mentioned project which is scheduled to be presented in front of this Committee this afternoon. Due to extreme circumstances preventing me from speaking in person, I had wanted to forward this letter for it to be read and acknowledged by the members of Design Review Committee.

Thank you kindly,



Shahla Y. Ehteshami

000066

Dear Mr. Chairman and the members of the Design Review Committee,

First, on behalf of my husband, Babak Ehteshami, myself and my two daughters, I would like to thank the Committee for giving us the opportunity to present our project this afternoon.

As you're well aware, this is our fourth meeting with this Committee. Just to recap, the first two sessions resulted in a continuation of our project – partly due to us being new to this process, but also to a greater extent having put on the project professionals not well experienced with the codes, ordinances and guidelines for this County. We took the Committee's recommendations that resulted from these meetings as well as one public's requests & opinions quit seriously. We stepped back to review the basic fundamentals of our project which resulted in a complete change in our direction. We returned to a third meeting having met all the requirements requested of us resulting from the prior sessions, and for some items had validated our data with multiple professional reports. It was unfortunate & disappointing to us that the Committee members could not reach an agreement in our third meeting. We were continued once more with the directives to address three open items. And here we are today.

I fully expect a bigger audience today than the past meetings given letters I've seen submitted to the County. And although I don't believe our project deserves this kind of attention; I have to say, we're glad and appreciative for the time taken by our neighbors to join us today. Because at minimum they would receive correct facts of our project versus what I fear to have been a one sided mis-representation instilling false jitters into the community. We are a simple family, just wanting to build a home for ourselves in a community that we've chosen to call home and have lived for the past 11 years raising two daughters peacefully & socially in a neighborly and communicative fashion. We would have only hoped that the community would have reciprocated by raising their concerns to us in the same neighborly & communicative manner. Over these past 11 years, we have shared the same desires of preservation and protection of our wonderful community. It's important to note, the concerns raised by the newer neighbors who have chosen to become involved at this late stage, echo concerns already raised, heard and addressed in the prior meetings.

We have made our mistakes and taken our set backs, but always worked within the codes and guidelines put before us. At this point, we would like to ask the Committee to let all the reports and data submitted in support of our project speak for themselves and to please let the process work by keeping focused and address the open issues at hand that have resulted from our prior meeting this past May. We respectfully ask the committee to grant us your decision today based on the three outstanding issues at hand; and we would only hope this decision can be answerable to the 5+ years that we as a family have put our hearts and soles into this project by giving it due diligence and much hard work.

Thank you kindly, Shahla Y. Ehteshami.

000067

RECEIVED

JUN 06 2007

**San Mateo County
Planning Division**

Babak & Shahla Ehteshami
21 Estrada Place, Palomar Park
CA 94062 (650) 366-4801

June 4, 2007

Farhad Mortazavi
County Planning Officer
San Mateo County
455 County Center, Redwood City, CA 94063

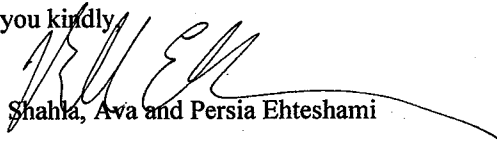
Dear Mr. Mortazavi,

Thank you for forwarding Mr. Goodrich, Mr. & Mrs. Oppenheimer, Mrs. Tyrrell, and Mrs. Duncan's letters. We appreciate the details in the letters dated on and around May 25, 2007 concerning our new home proposal at 25 Estrada Place, Palomar Park, CA. We have carefully reviewed their comments and concerns regarding our plans. We have forwarded their letters to our civil engineer, soil engineer, and architect for incorporation of their comments in construction drawings for submittal to the County of San Mateo Building department for their review and comments.

Please rest assured that we are doing our utmost to minimize, within reason, any impact on all neighbors. We are also certain that the planning and building departments of the county as well as the professionals that we have retained would apply the required applicable codes, ordinances and guidelines to ensure conformance with the requirements of the County and compatibility with similar residences in the neighborhood.

We want to thank our neighbors for taking the time to bring these concerns to our attention.

Thank you kindly,


Babak, Shahla, Ava and Persia Ehteshami

CC: James Goodrich-524 Manor Ridge Drive, Atlanta Georgia 30305
The Oppenheimers-632 Palomar Drive, Palomar Park, CA 94062
Mrs. Tyrrell-616 Palomar Drive, Palomar Park, CA 94062
Mrs. Duncan-2 Estrada Place, Palomar Park, CA 94062

000068

Joann E. Landi

178 South Palomar Drive
Palomar Park, CA 94062
650-365-4184

June 4, 2007

Mr. Farhad Mortazavi, Design Review Officer and
Palomar Park Design Review Committee
San Mateo County Planning & Building Division
455 County Center
Redwood City, CA 94063

SAN MATEO COUNTY
PLANNING DIVISION

2007 JUN -4 P 3:50

RECEIVED

Subject: File No. PLN 2005-00603 – 25 Estrada Place

Dear Farhad:

On Tuesday, May 29th I visited the Planning Department to review the file for subject project. My intent was to review the correspondence and submittals for the project as well as obtaining a copy of the reduced plans. Imagine my surprise when I noticed a note on the file relative to your arrangement with the applicants to withhold copies of ANYTHING in the file to ANYONE without their permission. This clearly being contrary to the Public Records Act, I spoke to Supervisor Gordon's office. Fortunately, the following day a decision was rendered by County Counsel's office that providing copies for the purpose of public comment, criticism, etc. is permissible.

I have reviewed the plans and believe the application should be denied. It fails to meet several of the standards in Section 6565.16 and therefore, a finding that it is in compliance cannot be made. The submittal indicates to me, that the applicant and their architect do not understand the design criteria for Palomar Park or that they have chosen to disregard the standards altogether.

Specifically, the following items are not in compliance:

- A. Site Planning: DOES NOT minimize tree removal, minimize alteration of the natural topography, respect the privacy of neighboring houses or minimize alteration of streams and natural drainage channels.

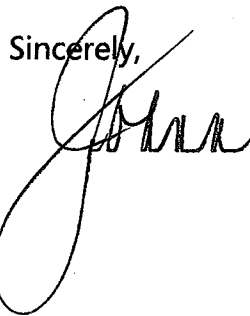
000069

B. Architectural Styles: IS NOT architecturally compatible with existing buildings or natural surrounding of the immediate area.

C. Building Shapes and Bulk: DOES NOT respect nor conform to the natural topography of the site. Bulk of building IS NOT controlled by terracing up or down the hill.

L. Paved Areas: DOES NOT keep the amount of visible paved areas to a minimum.

There are also unresolved questions/issues relative to the actual amount of grading, placing of leach fields in known slide area, the apparent "taking" of County land for the project, notification to affected property owners, etc., etc.

Sincerely,


Palomar Property Owners
419 Palomar Drive
Palomar Park, CA 94062

June 4, 2007

RECEIVED
2007 JUN -4 P 3:51
SAN MATEO COUNTY
PLANNING DIVISION

Mr. Farhad Mortazavi
Design Review Officer
Planning and Building Division – San Mateo County
455 County Center
Redwood City, CA 94063

Subject: June 6, 2007 Bayside Design Review, 25 Estrada Place, Redwood City
File No. PLN 2005-00603

Reference: Jane Duncan letter dated 4/29/07
James M Goodrich letter dated 5/24/07
Sue Oppenheimer letter dated 5/25/07
Kurt Oppenheimer letter dated 5/25/07

Dear Mr. Mortazavi:

During the past week, the Palomar Property Owners Board of Directors (hereinafter, the Board) has been contacted by several members of the Palomar Park community whose property will be affected by the project cited above. These individuals have expressed a number of concerns regarding the impact upon their property and quality of life if this project is approved as currently planned. In addition, the design review process, itself, appears to have been impacted by some procedural irregularities.

Palomar Property Owners is a non-profit California corporation, established, in part:

- to further better living conditions and physical surroundings by evaluating and determining appropriate measures to maintain and enhance the quality and safety of the environment in Palomar Park; and,
- to present to appropriate public officials and agencies the views and opinions of property owners in Palomar Park with a view to the improvement of conditions in the area.

While the PPO Board takes very seriously its responsibility to represent the interests of the entire Palomar Park community, it also recognizes and supports the right of individual property owners to undertake construction and remodeling projects. It is of great concern to the Board, however, that all such projects and applicants be required to comply with all existing design and planning requirements — requirements that were not established capriciously, but rather, for a legitimate, specified purpose. There is serious concern that abandoning any such requirement will set precedents that can only lead to a gradual degradation and loss of the peaceful, quiet, safe, scenic environment we all love and enjoy.

000071

According to the County's website, "The Design Review Committee was appointed by the Board of Supervisors to ensure that new development is compatible with the physical setting of the site and the visual character of the community. Specific design standards for each community have been adopted by the County (contained in the Design Review (DR) Zoning Ordinance (Chapter 28.1) (.87mb)) which is used by the Committee to evaluate and take action on each application." (http://www.smchsa.org/smc/departments/home/0,,5557771_5558931_10779960,00.html)

The following two Sections, excerpted from *Design Review Ordinance (Chapter 28.1)*, support the Board's position on this matter:

Section 6565.1, ESTABLISHMENT AND PURPOSE OF THE DESIGN REVIEW DISTRICT

C. In establishing the Design Review District, the Board of Supervisors hereby determines that:

5. The review procedures of this Chapter will **more effectively preserve and enhance the property values, the visual character of especially fragile communities, the natural environmental resources, and the public health, safety, comfort, convenience, happiness, and welfare of the citizens of the County.** *[emphasis added]*

Section 6565.5. PRE-DESIGN CONFERENCE

Prior to beginning design of a project in the Design Review District and submitting an application for Design Review, the project designer and owner shall request and shall participate in a pre-design conference with the Design Review Administrator. During the pre-design conference, the Design Review Administrator shall provide the designer and owner with written copies of the zoning regulations and design review standards and guidelines applicable to the property and project in question, shall review same with the designer and owner and shall answer any questions concerning appropriate design of the project. **The intent of the pre-design conference is to assure that the designer and owner are aware of the design standards and expectations of the County prior to commencing design of a project.** *[emphasis added]*

The design review process set forth in *Chapter 28.1*, if followed, should prevent the sort of difficulties experienced in this project. While unfortunate, the applicants' expense for repeated attempts to comply with regulations is no justification for relaxing or waiving any requirements.

The Palomar Property Owners Board of Directors shares the concerns expressed in the referenced letters sent to your attention as well as the enclosed letters. The Board hereby requests that this letter, all attachments and reference to previously submitted correspondence, be entered into the record to document its expectation that, in considering all current and future construction projects in Palomar Park, the County will insist that:

1. all existing codes, requirements, regulations, and standards *will* be met, without exception;
2. all project data and files *will* be made available for review and/or copied as allowed by law, by any and all interested parties;

For the benefit of the entire community, the Board must advocate for – and insist upon – strict and consistent adherence to all local, state, and federal regulations, codes, standards, and laws

that have been enacted in order to retain and maintain the health, safety, natural beauty, views, and rural character of Palomar Park – the very qualities that attracted residents, initially.

Sincerely,



Richard G. Landi
President

Attachments:

5/29/07 letter from James M. Goodrich
5/30/07 letter from Kurt & Sue Oppenheimer
5/30/07 letter from Jane Duncan

cc: Supervisor Richard Gordon, w/referenced letters and attachments
Jane Duncan
Sue & Kurt Oppenheimer
Lisa Grote, Planning & Building Division

Board of Directors

Jeff Garratt - Leon Glahn - Emile Kishek - Richard Landi
Carol Mondino - Tom Rice - Trish Taylor - Bernie Wooster-Wong

000073

James M. Goodrich

524 Manor Ridge Drive
Atlanta, Georgia 30305
(404) 352-2707
(404) 352-1640 fax

May 29, 2007

Mr. Rich Landi, President
Palomar Property Owners
178 South Palomar Drive
Redwood City, California 94062

Dear Rich:

My sons and I own the property at 624 Palomar Drive, which was my childhood home, and belong to the Palomar Property Owners. We are very concerned about the proposed project at 25 Estrada Place immediately behind our property. This project is on the agenda of the June 6 meeting of the Bayside Design Review Committee.

The original design was rejected over a year ago as being too massive for the neighborhood and failing to conform to the natural contour of the hillside – basically not meeting the county's design guidelines for Palomar Park. Next week will be the project's fourth attempt to gain approval with essentially no change from the original submittal.

As detailed in my attached letter to the Committee dated May 24, 2007, we have several technical issues with the project, principally related to land stability and drainage. In addition there are many process issues, some of which have arisen as we attempt to investigate and analyze the project.

I would appreciate your sharing our concerns with the Palomar Property Owners Board. The involvement of the Board in this situation would be very positive in righting a process that is careening out of control.

Sincerely,

/s/James M. Goodrich

Attachment

000074

KURT & SUE OPPENHEIMER
632 PALOMAR DRIVE REDWOOD CITY, CA 94062
650-366-7984

May 30, 2007

Mr. Rich Landi, President
Palomar Property Owners
178 South Palomar Drive
Redwood City, California 94062

Dear Rich:

My wife and I own the property at 632 Palomar Drive and belong to the Palomar Property Owners. We are very concerned about the proposed new home to be built at 25 Estrada Place immediately behind our property. This project is on the June 6th meeting agenda of the Bayside Design Review Committee. This will be the 4th such review of the project in 13 months.

As we are the nearest and most impacted neighbors, we have been extremely involved in all of the design reviews, each time doing detailed analysis of the submitted plans. We have shown the applicant, the Design Review Board, and county planning officer the issues and errors with this project. Our current letters, dated May 25th, for the June 6th meeting are attached and we left copies of our previous letters in the packet on this project in your mailbox.

As we described in our letters, not only does this project not conform to the design guidelines of Palomar Park, but also it has extensive grading and drainage issues. The site has had slides on it in 2000 and 2007. In addition there have been many process issues regarding public review of the plans as we attempted to investigate and analyze the project.

We would appreciate your sharing our concerns as soon as possible with the Palomar Property Owners Board. The involvement of the Board by writing a letter and/or attending the June 6th meeting to provide public comment would add emphasis to the community's concerns regarding adherence to Palomar Park's design guidelines. We feel a decision on this project is imminent.

Please contact us if you need further information.

Sincerely,

Kurt & Sue Oppenheimer

Attachments:

Kurt Oppenheimer -- Design Review Response June 6 2007.doc
Sue Oppenheimer -- Design Review Response June 6 2007.doc

May 30, 2007

Mr. Rich Landi, President
Palomar Property Owners
178 South Palomar Drive
Redwood City, CA 94062

Dear Mr. Landi,

I am writing this letter in regards to my concerns about a proposed home to be built at the end of my street at 25 Estrada Place. I am greatly concerned about the design and placement of this residence. The design does not conform to the Palomar Park design guidelines and the positioning of the property will greatly impact the environment and the connecting properties. I have many concerns also with the process with which the owners have been proceeding with the passing of this design.

Please look into this situation and speak with the neighbors most affected buy this proposal. I am also very concerned that the owner of 25 Estrada Place is representing Palomar Park on the design review board and does not take into account the guidelines of Palomar Park. I have enclosed a copy of my letter that I sent to the Planning and Building Division.

I would appreciate these concerns being shared with the association.

Sincerely,


Jane Duncan

000076

RECEIVED

MAY 25 2007

**San Mateo County
Planning Division**

May 8, 2008

To the office of Planning and Building Division-San Mateo County

I mailed the enclosed letter April 30, 2007. It was apparently not received in time fo the last review meeting. This could be do to the temporary move of your office. I would like this letter to be entered into the record and to be read at the next meeting, June 6, 2007.

Thank you!

Sincerely



Jane Duncan 2 Estrada pl.

000077

April 29,2007

Mr. Farhad Montazavi
Design Review Officer
Planning and Building Division-San Mateo County
455 County Center
Redwood City, CA 94063

Re: 25 Estrada Place in Redwood City (Palomar Park), File # PLN 2005-00603

Dear Mr. Montazavi:

This is in regards to the proposed plans for construction of a new residence at 25 Estrada Place. I've lived at 2 Estrada Place since July, 1988. I chose Palomar Park because it is a quiet little country community. I love our little hidden street and want to keep the area as beautiful and natural as I found it. I recently saw the plans for 25 Estrada Place and have the following concerns:

The position of the house has been moved from where the owners originally told us it would be situated. It is now going to be built deep into the hillside. This will affect the bordering neighbors properties. It will affect the hillside which will cause problems with erosion, drainage, etc. to the homes above. There are also many old trees on all of the properties involved. This construction will cause the removal of many trees, as well as destroy the roots of many trees on the adjoining properties causing them to die.

I am also concerned about the architectural design which is not compatible with the homes in Palomar Park.

There will also be multiple heavy trucks traveling up and down our street. Who will pay for the repaving when all is complete? Will the county repave the street?

Thank you for considering these issues.

Sincerely,



Jane Duncan

000078

RECEIVED

MAY 25 2007

**San Mateo County
Planning Division**

James M. Goodrich

524 Manor Ridge Drive
Atlanta, Georgia 30305
(404) 352-2707
(404) 352-1640 fax

May 24, 2007

Mr. Farhad Mortazavi
Design Review Officer
Planning and Building Division
San Mateo County
455 County Center
Redwood City, CA 94063

Re: June 6, 2007 Bayside Design Review for 25 Estrada Place, Redwood City
(File Number PLN 2005-00603)

Dear Mr. Mortazavi:

I am writing in response to the Notice of Public Hearing for the design review of a proposed residence at 25 Estrada Place in Redwood City. I became aware of the proposed project just in the last two weeks. Had I known about the project earlier, I would have expressed my concerns to you much sooner.

My two sons and I own the property commonly referred to as 624 Palomar Drive which shares property line E4°44'3'' N131.88' with the proposed residence. My parents moved to Palomar Park on December 6, 1941 when I was a year old. I believe that this property as been in our family longer than the property of any current resident of Palomar Park. Palomar Park was country in 1941 with lots of wildlife and live oak forests. It still retains much of that feel and character.

Over a year ago, in its May 6, 2006 findings the Bayside Design Review Committee reached three very significant conclusions regarding the proposed residence:

1. The "architectural style is incompatible with the site due to its massiveness and its character."
2. "A 13-foot high retaining wall is not acceptable."
3. "A redesign of the structure is required with emphasis on step-design of the structure."

These findings, which are supported by the County's design guidelines for Palomar Park, are reasonable for protection of the environment. The applicants' current design which the Committee is being asked to approve ignores these directives:

1. The architectural style is unchanged and the massiveness of the structure has increased by 140 square feet.
2. The 13-foot retaining wall has been replaced by a 4-foot garden wall and a wall incorporated into the foundation of the structure which serves as a 12-

000079

foot retaining wall. While eliminating the safety issues associated with a 13 foot retaining wall, this design still requires essentially the same extensive grading to the hillside directly behind our property.

3. The footprint of the structure, which is nearly identical to the original 3000 square feet flat footprint, has not been redesigned to conform to the existing topology. The structure is placed in the same location on the property requiring, according to an engineering report from MacLeod and Associates dated May 2, 2007, 825 cubic yards to be cut from the existing hillside and 700 cubic yards of fill.

For these reasons alone the proposed design should be rejected as unresponsive to the Committee's clear instructions. However, I have additional concerns with the proposed design which I respectfully offer for the Committee's consideration.

Excavation Creep

The topology of the subject property is not the natural topology, rather it was created in the early 1950's by carving out the hillside just beyond our property line to create the existing level portion of the property, presumably to build a structure. Additional excavation on the property was performed by the applicant in 2000 without a grading permit, clearly a major violation of San Mateo County regulations (see Case Number VIO2001-00045).

The current application does not mention this prior activity, claiming that only 825 cubic yards will be cut from the hillside. This is just the incremental amount. Considering both the original and 2000 excavations along with the proposed excavation, the total volume of earth cut from the hillside would vastly exceed 825 cubic yards. An appropriate step design of the structure should be based on the natural topology before any excavation. This excavation creep is disingenuous.

Land Stability

I have concern that the proposed additional carving out of the hillside supporting our property could further threaten the already fragile stability of the hillside. The current steep gradient, exceeding 30 degrees in places adjacent to our property line, is the result of the prior excavation which removed significant quantities of earth. The proposed plan calls for increasing this gradient in several places to at least 35 degrees.

There have been recent land slides on the proposed building site, as well as on the hillside opposite the site. Several years ago a home was destroyed as a result of land movement within 200 yards of the proposed site. The creek which flows down the canyon near the proposed site carries substantial water during the rainy season. Has the impact on land stability beyond the site caused by the proposed structure's disturbance to existing drainage flows been carefully evaluated?

The removal of several oak trees between the proposed structure and our property line will further decrease land stability, as will potential damage to the root structure of trees

not scheduled for removal but located close to the cut line. The impact of the proposed extensive grading on the root systems of trees on our own property is unknown, but potentially harmful.

We have direct experience that the land on this hillside is not stable. In 2001, when we were renovating our home at 624 Palomar Drive, it was necessary to replace the entire ~~foundation on three sides of the house because of significant cracking and slight~~ movement of the foundation down the hillside that was particularly evident on the back (north) side of the house, which is less than 60 feet from the proposed cut line.

Septic Tank

Our septic tank leach field is located in the hillside directly above where the incremental excavation is proposed. My parents moved it from behind our home to this location in approximately 1952 after excavation was done to build the applicant's existing home at 21 Estrada Place for its original owners. The leach field was moved to eliminate any drainage problems that might impact land stability due to the very steep cut near our property line resulting from that original excavation. Has any consideration been given to drainage problems from the effluent of our leach field caused by the additional carving out of the hillside for the proposed project?

View

In the arborist report by The Green Jeannie, some of the oak trees proposed for current removal (#26 and #28) or future removal (#27) will have a direct impact on a portion of our view and consequently our property value, replacing the live oak canopy view with a view of the proposed massive structure. We have commissioned an independent arborist to address these and other tree issues. His findings will be available in mid-June.

While we urge the Bayside Design Review Committee to reject the proposed design, we would not protest a structure which conforms to the Committee's directives issued on May 6, 2006. I appreciate the Committee's efforts to preserve the unique character and natural beauty of Palomar Park, which has been such an important part of my entire life and is now so special to my children and grandchild.

Sincerely,

James M Goodrich

Cc Mr. Warren Goodrich

Mr. Mark Goodrich

Mr. Kurt Oppenheimer
632 Palomar Drive
Redwood City, California 94062

Mrs. David Tyrrel
616 Palomar Drive
Redwood City, California 94062

Mr. Babak Ehteshami
21 Estrada Place
Redwood City, California 94062

ATTACHMENT G

**Community Director final
decision letter dated Oct. 1,
2007**



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

October 1, 2007

Babak Ehteshami
21 Estrada Place
Redwood City, CA 94062

Dear Mr. Ehteshami:

SUBJECT: Grading and Design Review Permit Decision
25 Estrada Place, Redwood City
County File No. PLN 2005-00603; APN 051-022-400

Your application for an administrative Grading Permit and associated Design Review Permit, pursuant to Section 8600 and 6565.16 of the County Ordinance Code, respectively, to construct necessary foundation improvements and retaining walls for a new 5,364 sq. ft. single-family residence with an attached 635 sq. ft. garage, located on a 20,001 sq. ft. parcel, is hereby approved. The project involves the removal of 12 trees and the excavation and re-compaction of 580 cubic yards of cut and 50 cubic yards of fill plus 320 cubic yards of cut and 35 cubic yards of fill for the driveway for a total of 985 cubic yards of grading.

All neighbors within 300 feet of the subject property were notified of the Bayside Design Review Committee public hearings for the Grading Permit and Design Review held on May 3, 2006, February 7, May 2, and June 6, 2007. Additional notification for the grading permit was sent out on June 19, 2007 to the same listing. The Committee found the structure's design in compliance with the San Mateo County Design Review Guidelines and recommended approval of the project with ten conditions, which are included in this permit.

Staff has approved your permit subject to the following required findings and conditions of approval.

FINDINGS

After reviewing this application and accompanying materials, it was found that:

For the Environmental Review

1. This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3, relating to construction of a small new structure, including a single-family residence, in a residential zone within an urbanized area.

000083

For the Grading Permit

2. The project will not have a significant adverse effect on the environment because trees that have been approved for removal will be replaced as conditioned, and proper drainage features and erosion control measures shall be implemented as a condition of the approved project.
3. The project conforms to the criteria of the San Mateo County Grading Ordinance and is consistent with the General Plan. The submitted grading plans comply with the grading requirements and General Plan policies, and have also been reviewed and approved by all reviewing agencies.

For the Design Review

4. This project has been reviewed under and found to be in compliance with the Design Review Standards for Palomar Park, Section 6565.16 of the San Mateo County Zoning Regulations. The proposal was reviewed by the Bayside Design Review Committee at four different hearings on May 3, 2006, February 7, 2007, May 2, 2007, and June 6, 2007. The Committee found the proposal in compliance with Design Review Standards and recommended approval of the project.

The Committee found the project in compliance with Design Review Standards because the project: (a) minimizes tree removal and blockage of sunlight on neighboring buildings, (b) respects the privacy of neighboring houses and outdoor living areas, (c) is architecturally compatible with the neighborhood, (d) is step-designed to be compatible with the natural topography of the site, (e) has well proportioned and articulated façade, and (f) utilizes earth-tone colors compatible with the natural setting and the neighborhood.

CONDITIONS OF APPROVAL

1. This approval applies only to the proposal as described on the plans and documents submitted to the Planning Department on December 14, 2005, and resubmitted on January 1, May 22, and an engineered grading plan on May 22, 2007. Any revisions to the approved plans must be submitted to the Planning Section for review and approval prior to implementation. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and are in substantial conformance with this approval.
2. This approval shall be valid for one year from the date of this letter. The grading permit shall only be issued concurrently with the building permit for the house. If these permits have not been issued within this time period, this approval will expire. An extension to this approval will be considered upon written request and payment of applicable fees 60 days prior to expiration.

3. The applicant shall forward the following requirements, stipulated by the Bayside Design Review Committee, to the Design Review Officer for review and approval. These changes shall be included on the applicant's building permit plans:
 - a. Remove the family room chimney.
 - b. The southerly bathroom windows need to utilize frosted glass, to be noted on the rear elevation plans.
 - c. The covered walkway shall be no greater than three feet, six inches wide.
 - d. Tree protection measures are required and shall be implemented prior to any construction or grading activity for the west and south sides of the property to protect the significant oak trees.
 - e. The lower exterior elevations shall include quoins, to be verified as a final inspection by the Planning Department.
 - f. Replacement trees shall be of 15-gallon minimum size of a ratio of two trees for each tree removed (for a total of 24 trees). Tree species shall be live oaks and bays, and shall be planted south and on the southwest sides of the house buffering it from rear neighbors.
 - g. The garage ceiling shall comply with the Building Code of eight feet minimum while the structure's height and grading will not be affected.
 - h. Any damage to Estrada Place during construction shall be repaired by the property owner.
 - i. As submitted, all mechanical equipment and HVAC shall be contained within the structure.
 - j. The Geotechnical Section of the Building Inspection Section shall review and approve the applicant's submittal of the geotechnical report, addressing soils, and specifically debris covered by dirt 57 years ago.
4. The provisions of the San Mateo County Grading Ordinance shall govern all grading on the site.
5. At the completion of all grading activities, the applicant's geotechnical consultant shall submit to the Planning Department, a signed Section Two indicating they have observed all grading activities and that the work conformed to the approved plans.
6. This permit does not allow for the removal of any additional trees. Removal of any additional trees with a diameter greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.

7. No grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion unless approved, in writing, by the Community Development Director.
8. The applicant shall submit a letter to the Planning Department at least two weeks prior to the commencement of grading stating when grading will begin.
9. The applicant shall implement erosion control prior to the beginning of grading or construction operations. Re-vegetation of denuded areas shall begin immediately upon completion of grading/construction operations.
10. The Grading Permit "Hard Card" and the Building Permit shall be issued at the same time. No grading shall occur until the Hard Card has been issued.
11. Noise levels produced by construction shall not exceed the 80 dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operation shall be prohibited on Sunday and any national holiday.
12. All new power and telephone lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be installed underground. No new or additional utility pole(s) may be installed.
13. The applicant shall provide "finished floor elevation verification" on the submitted building plans to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
 - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
 - b. The datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
 - c. Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations, and (2) the elevations of proposed finished grades.
 - d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
 - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case maybe) for the lowest floor, the applicant shall provide to the Building Inspection Section a letter from the licensed land

surveyor or engineer certifying that the lowest floor height, as constructed is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.

- f. If the actual floor height, garage slab, or roof height, as constructed, is different from the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and Community Development Director.
14. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and May 1.
 - b. Removing spoils promptly, and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry into the storm drain system or water body.
 - d. Using filtration or other measures to remove sediment from dewatering effluent.
 - e. Avoid cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizer to avoid polluting runoff.
 15. The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.
 16. The applicant shall submit an erosion and sediment control plan for review and approval by the Planning Department prior to issuance of a building permit. The erosion control plan shall clearly delineate the types of measures to be used, the location of where the measures will be placed as well as a sectional drawing showing how the measures shall be installed. All erosion control devices shall be installed on site prior to any grading activities on-site.
 17. The applicant shall submit a stormwater management plan, which shall include a site plan and narrative of the types of permanent stormwater controls that will be installed on site to minimize the surface water runoff. At a minimum, the directly connected impervious areas

shall be minimized, downspouts shall be directed to landscaped areas and pervious materials shall be used for the access road, if possible, and any patio or walkway areas near the proposed residence.

18. No site disturbance shall occur, including any grading, until a building permit has been issued.
19. The building plans shall meet with the approval of the County Fire Department.

Building Inspection Section

20. The following will be required at the time of application for a building permit:
 - a. Prior to pouring any concrete for foundations, written verification from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.
 - b. An automatic fire sprinkler system will be required. This permit must be issued prior to, or in conjunction with the building permit.
 - c. If a water main extension or upgrade of hydrant is required, this work must be completed prior to issuance of the building permit or the applicant must submit a copy of an agreement and contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit.
 - d. A site drainage plan will be required that will demonstrate how roof drainage and site run off will be directed to an approved location.
 - e. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
 - f. No wood-burning fireplaces unless EPA Phase II certified.
 - g. The room presently designated as Exercise Room must be re-designated as a bedroom due to the closet.

Department of Public Works

21. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance Number 3277.
22. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be

required to apply for a Grading Permit upon completion of their review of the plans and should access construction be necessary.

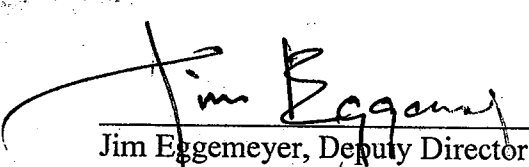
23. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
24. The applicant shall submit a driveway "Plan and Profile" to the Public Works Department, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.

County Fire Department

33. The applicant shall comply with the County Fire Department requirements during building permit stage.

This approval may be appealed by the applicant or any aggrieved party on or before 5:00 p.m. on **October 16, 2007**, the tenth working day following this action by the Community Development Director. An appeal is made by completing and filing a Notice of Appeal, including a statement of grounds for the appeal, with the Planning and Building Department and paying the appeal fee.

FOR LISA GROTE
DIRECTOR OF COMMUNITY DEVELOPMENT, By:



Jim Eggemeyer, Deputy Director

JKE:PSM/kcd - FSMR1080_WKN.DOC

cc: William Cameron, Building Inspection Manager
Ken Au, Department of Public Works
Kurt and Susan Oppenheimer
James Goodrich
Sierra and Diane Tyrrel
Joan Landi
Nancy Gerst
Palomar Property Owners Association

000089

ATTACHMENT H

Oppenheimer letters dated:

1. January 31, 2007
2. June 26, 2007
3. April 28, 2008
4. August 10, 2008

January 31, 2007

Mr. Farhad Mortazavi
Design Review Officer
Planning and Building Division – San Mateo County
455 County Center
Redwood City, CA 94063

Re: February 7, 2007 - Bay Side Design Review, 25 Estrada Place in Redwood City (File No. PLN 2005-00603)

Dear Mr. Mortazavi:

We share two property lines (E4°44'3" N131.88' & N4°33'28" E178.74') with the proposed development at 25 Estrada Place.

After reviewing the submitted plans we have found the following issues:

1) The height of the structure exceeds the 28' limit by 12.5'

The proposed structure is designed to a 3,340 sq ft footprint on a flat plane at 558' elevation. The plan does not take into account the natural topological contours which results in half of the structure exceeding the 28' maximum height limit. The following was done to determine the actual height of the structure over natural grade and finished floor below grade. All data for this exercise is from the submitted plans.

- a) Attachment 1 shows the natural grade contours under the proposed structure.
- a) Attachment 2 adds the finished Garage – graded and paved to 556'.
- b) Attachment 3 overlays the elevations of the ridge lines and top height of exterior walls onto a plan view.
- c) Attachment 4 used the elevation data from Attachment 3 to generate the height of the structure over natural grade where the contour lines intersect known elevation points. Example: In the upper left corner of the structure, contour line 532' intersects part of the structure with a height of 558.5', resulting in a height above natural grade of 26.5'.

The results show that a large portion of the structure is over the 28' maximum height limit (numbers in red). E.g. The North-West corner of the second floor is 40.5' over grade or over height by 12.5' and the main ridge is 34' over grade or over height by 6'.

To investigate the height issue further, we took the structure height data from Attachment 4 and applied them to the West Elevation (Attachment 5), North Elevation (Attachment 6), and cross sectional view A/A2.1 (Attachment 7) to determine where the true grade should be on these drawings. In each case the actual grade is much lower than that shown in the drawing. *This results in a lower 28' maximum height line through the structure than the one shown on the drawings.*

Further, looking at all of the cross sectional drawings shows similar issues resulting in the actual grade being much lower than what is drawn resulting in a greater structure height. There are further concerns on how these errors impact the cut and fill calculations.

We request that the structure meet the 28' height limit; that all drawings accurately reflect the natural grade of the site; and that a story pole study be required to ensure the height meets code.

2) Site Plan:

From the May 3, 2006, Design Review the applicant was required to provide new site plans that accurately show the boundary of the county's land for the "Undeveloped Extension of Estrada Place", the corners of the structure, locations of trees, and accurate topographic contours.

- A. **Septic system on County land.** Exhibit "A" (see Attachment 8) shows the location of the "Undeveloped Extension of Estrada" with an arc that extends from Tree 2 (Bay 34") to the lot corner of Parcel 2 and includes Tree 30 (Bay 31"). The location of "Undeveloped Extension of Estrada" is not on the County

approved plans for the septic system. *When the arc of "Undeveloped Extension of Estrada" is placed on the septic plan, it shows that part of the proposed septic system on County land – Attachment 8 bottom figure..*

We request a review of the septic system using plans which show the correct boundaries of 25 Estrada Place to determine if the proposed septic system meets the county's requirements.

B. Topographical Contours shown do not match the site. Attachment 9 shows a side by side comparison of the Septic Plan and Site Plan with different contour lines. In ~2000 a slide occurred on the proposed building site. The Applicant had grading and compaction of the slide area done in ~2001. There now exists an ~6' vertical drop which extends across the front of the proposed structure and wraps to the open area shown in Photograph 1, Attachment 10. (Photograph 2 is taken at the base of Tree 9-Bay 41"). It does not appear that the topographical contour drawing has been updated to reflect this. If this is correct, the fill calculations are wrong and the structure is even taller than shown in the attachments. Additionally, there is evidence of recent ground movement in the previous slide area – Photo 3 & 4.

We request the applicant obtain an accurate site survey.

C. No corner markers for the structure. As of Tuesday – January 31 – no corner markers for the structure are in place on the site. Without the footprint delineated an accurate assessment of the impact to trees is not possible. The "Application for Design Review by the County Bayside Design Review Committee", states this is required on page 6 - note 3 – See Attachment 11.

We request that the Design Review Committee require the footprint of the structure be staked by a surveyor.

D. Locations of trees are inaccurate. Examples:

- i. Plans show the distance between Tree9 (Bay 41") and Tree13 (Bay 35") as 20'. A tape measurement of the distances between the two trees is 11'.
- ii. Tree36 (Ash 32") is shown to be 10' off the corner of the Garage on Parcel 2. Attachment 10 - Photograph 1 shows that this tree is much further away vs location on Site plan.

We request that an accurate plotting of the trees is done to determine which trees need to be removed. The number of trees to be removed has gone from 2 in May '06 to 4 in this revision of the plans.

3) The structure is not stepped into the hillside.

Attachment 12 shows the location of the Wine Cellar and a 400+ sq ft highlighted area on the same level as the Wine Cellar. This area has a height of 12' under the first floor level. The "Standards for Design in Palomar Park", Section 6565.16 states that buildings are required to "step up or down hillsides in the same direction as the natural grade" and to "avoid the creation of... useless space beneath buildings."

We request that the structure be adhere to published design guidelines in order to lower the overall height and reduce the massiveness of the structure.

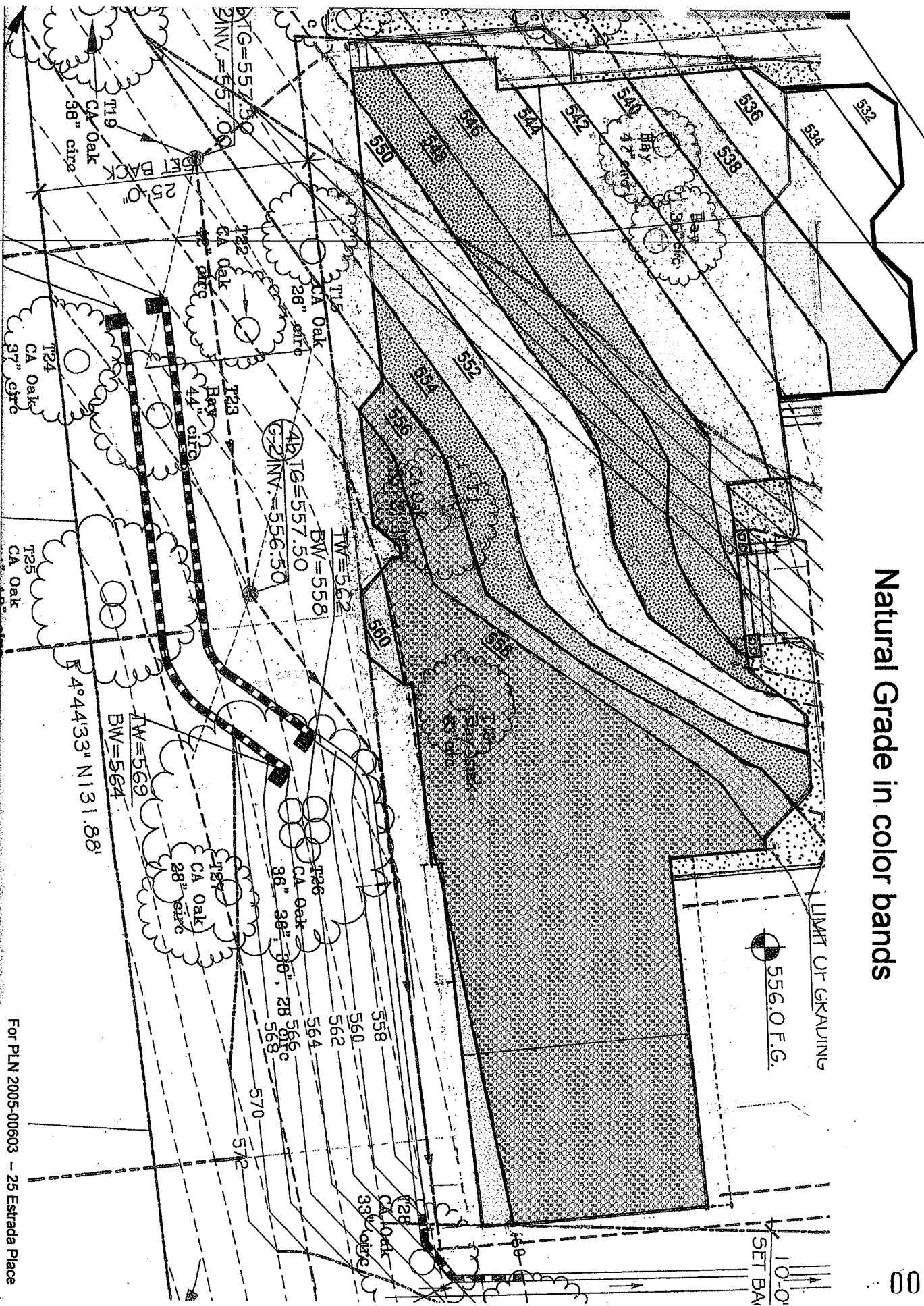
There are other inaccuracies in the plans that need to be addressed, but given the redesign that is necessary to bring this proposed development into code, they can be handled at a later date.

Thank you for your consideration of these issues.

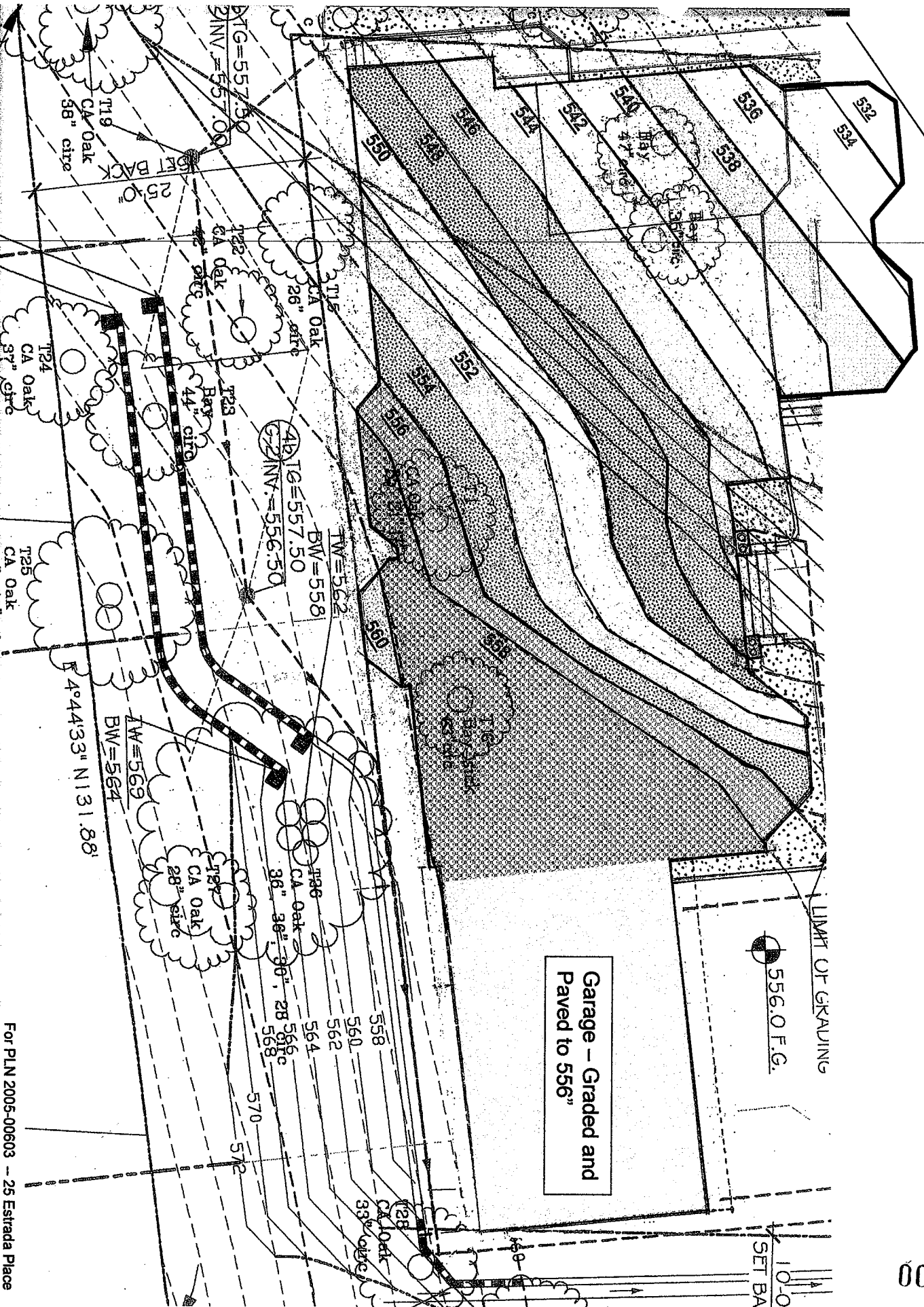
Very Sincerely,


Kurt and Sue Oppenheimer

Natural Grade in color bands



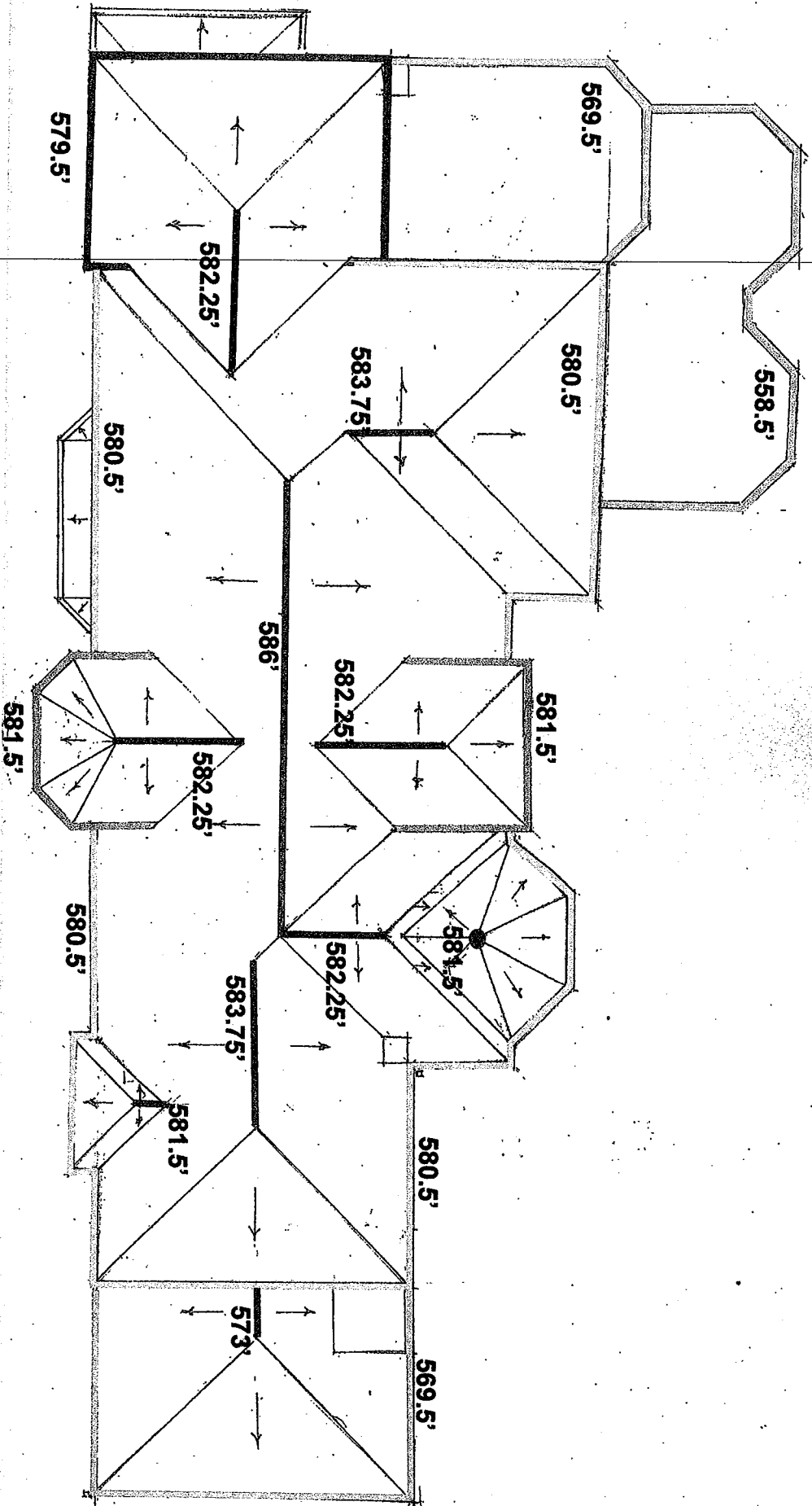
Natural Grade and Finished Garage below natural grade



Attachment 3

Height Study

-- Roof ridge and perimeter Elevations



Perimeter Height

558.5'	579.5' = 578.5' (fin clg) + 1' (roof)
569.5'	580.5' = 579.5' (drawing) + 1' (roof)
581.5'	581.5' = 580.5' (drawing) + 1' (roof)

Ridge Height

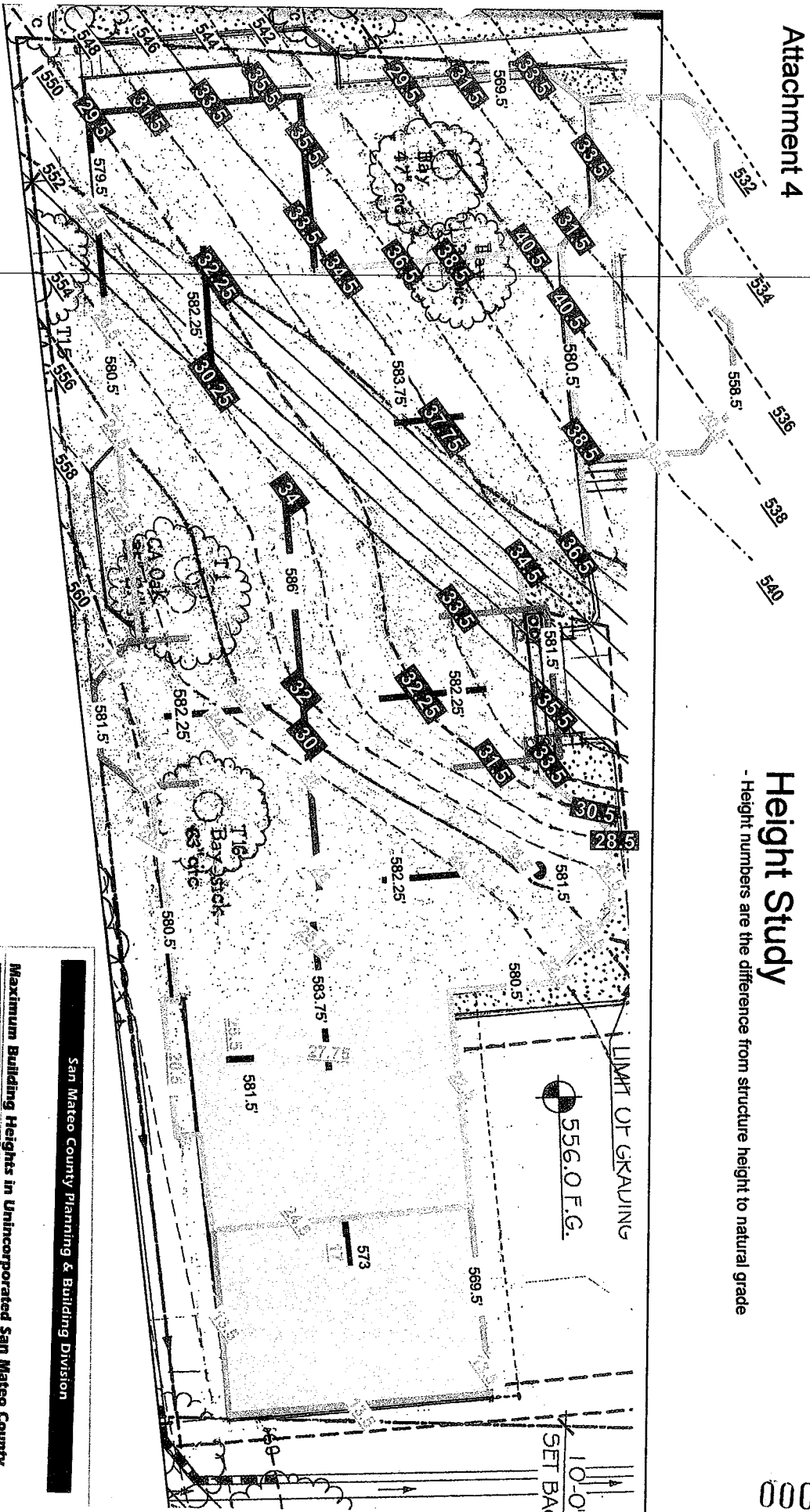
573'
581.5'
582.25'
583.75'
586'

*60000

Height Study

- Height numbers are the difference from structure height to natural grade

000095

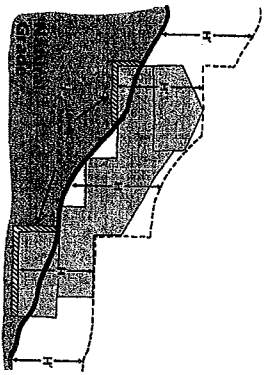


Numbers in **RED** are **GREATER** than the '28'
 limit above natural grade.
 Numbers in Green are 28' or less above natural grade
 Numbers in Blue are contour elevation lines
 Numbers in Grey boxes are Elevations of house from drawings

San Mateo County Planning & Building Division

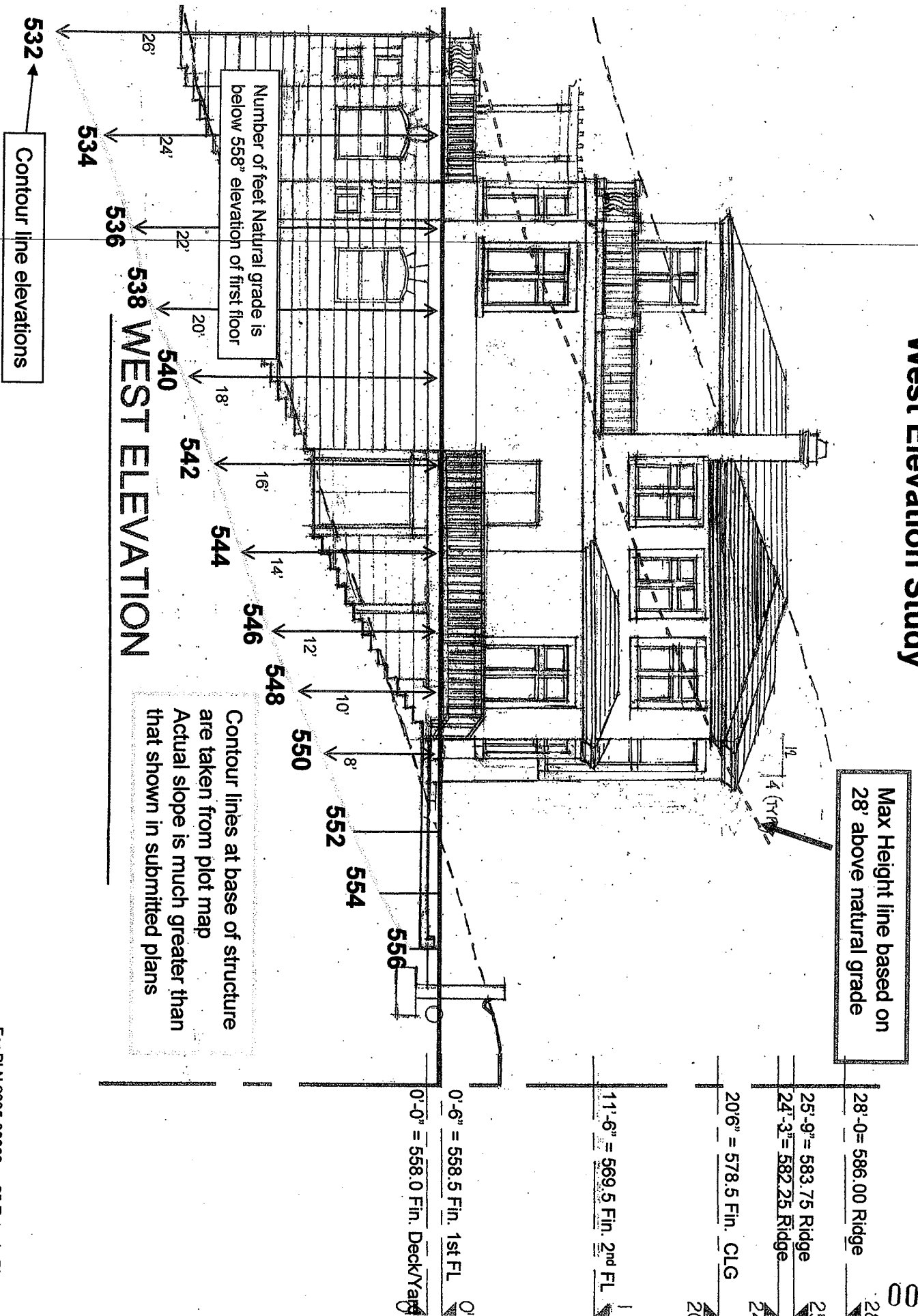
Maximum Building Heights in Unincorporated San Mateo County

Zoning/
 Combining District:
 RH, S-17, S-50, S-71 thru S-73,
 S-82, S-90 thru S-95,
 S-100 thru S-102, S-104 thru
 S-106, S-110:
 28 ft./30 ft./33 ft.
 Height Limit
 (Natural Grade² for lowest floor
 below grade) to Absolute Height)



¹ Finished Grade is defined as the topographic contours which result after completion of construction on the site.
² Natural Grade is defined as the topographic contours which exist prior to any disturbance related to construction on the site.

West Elevation Study



Max Height line based on 28' above natural grade

Number of feet Natural grade is below 558" elevation of first floor

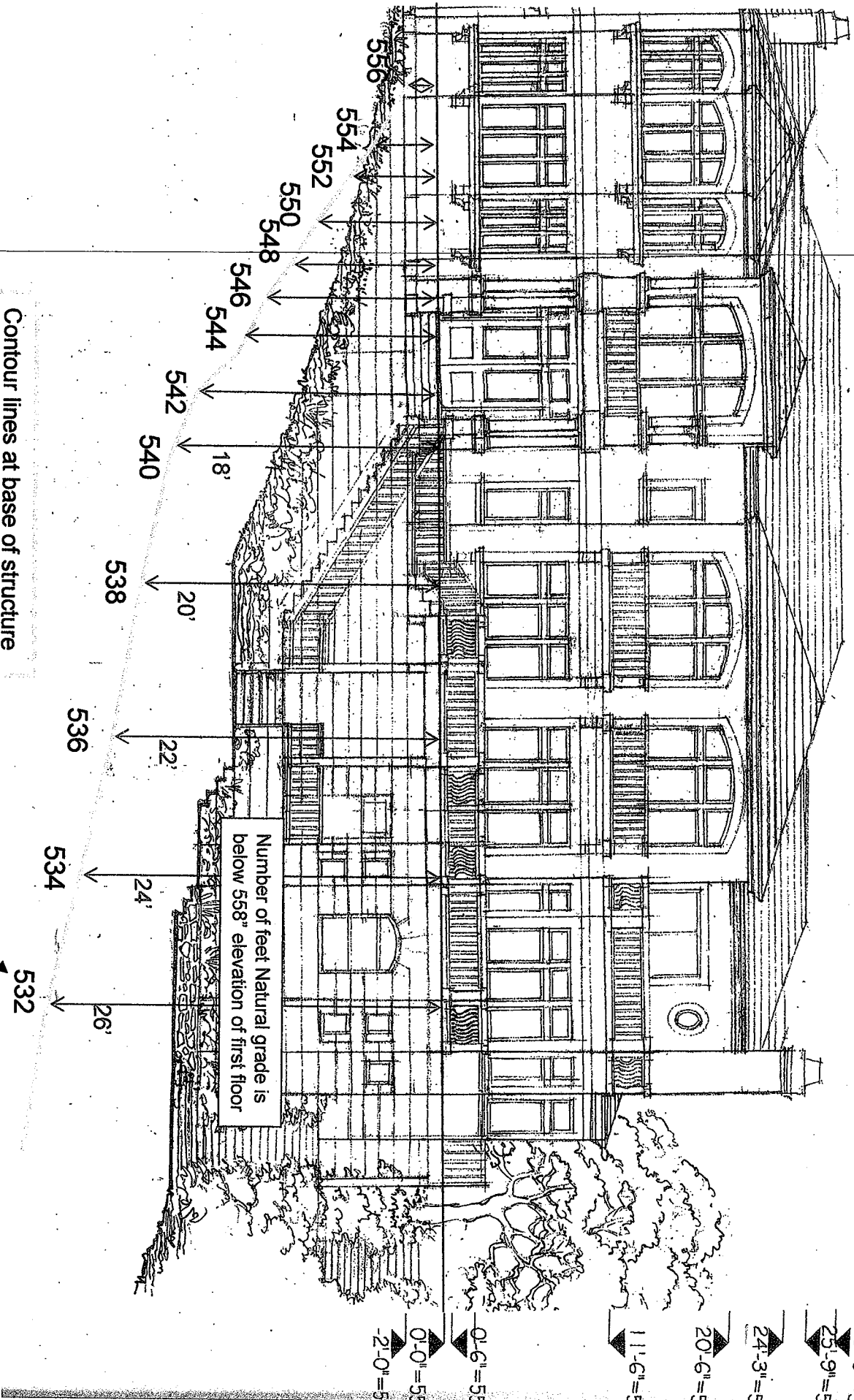
Contour lines at base of structure are taken from plot map. Actual slope is much greater than that shown in submitted plans

538 WEST ELEVATION

Contour line elevations
532
534
536
540
542
544
546
548
550
552
554
556

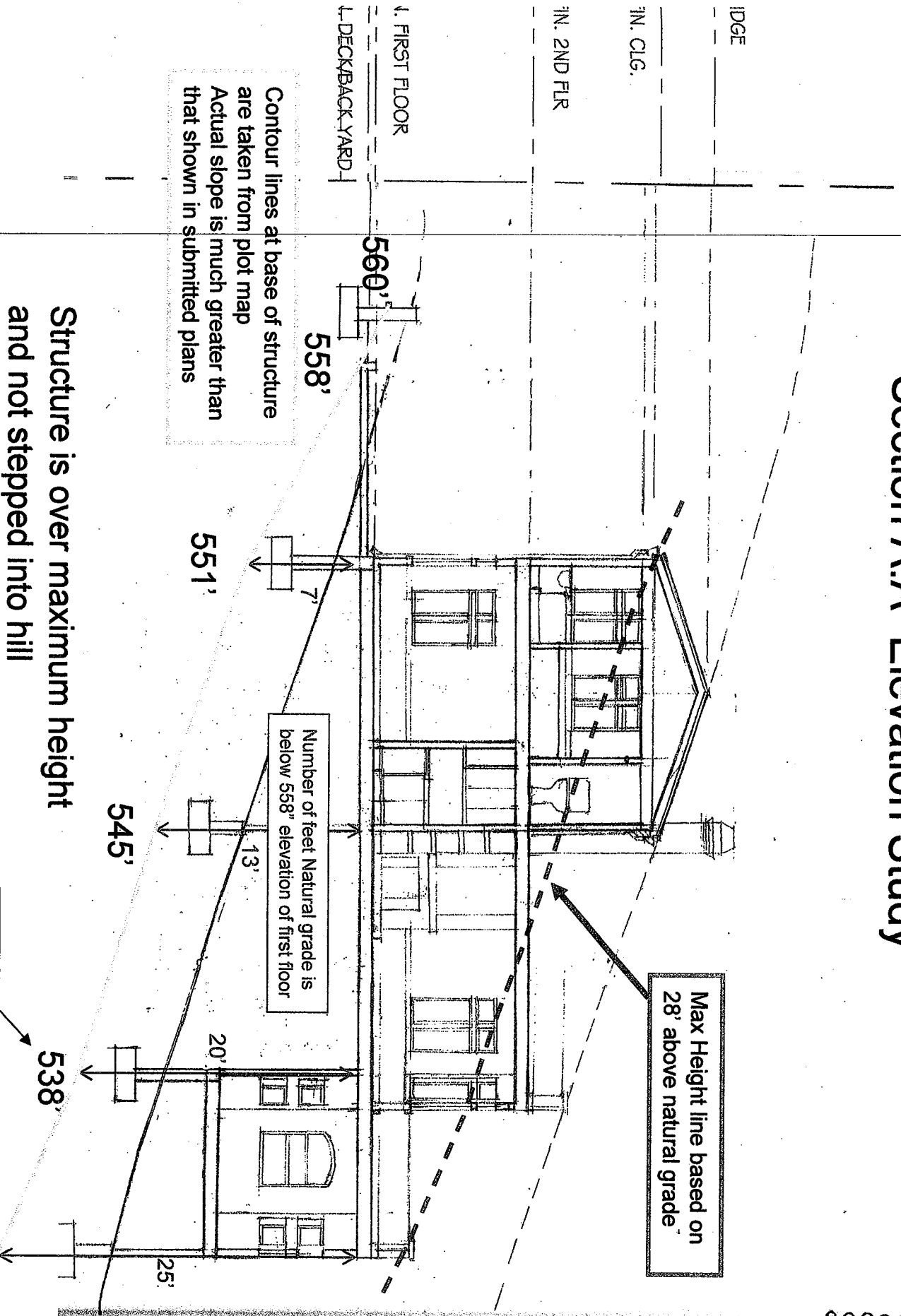
960000

North Elevation Study



Contour lines at base of structure are taken from plot map
 Actual slope is much greater than that shown in submitted plans

Section A.A Elevation Study



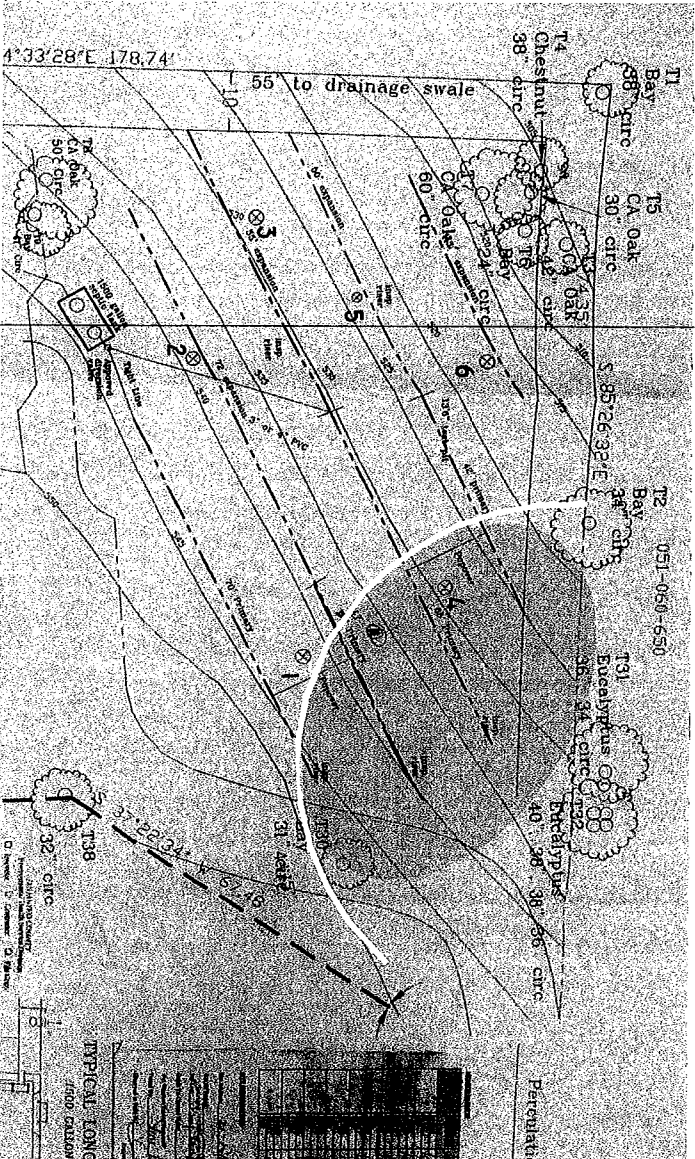
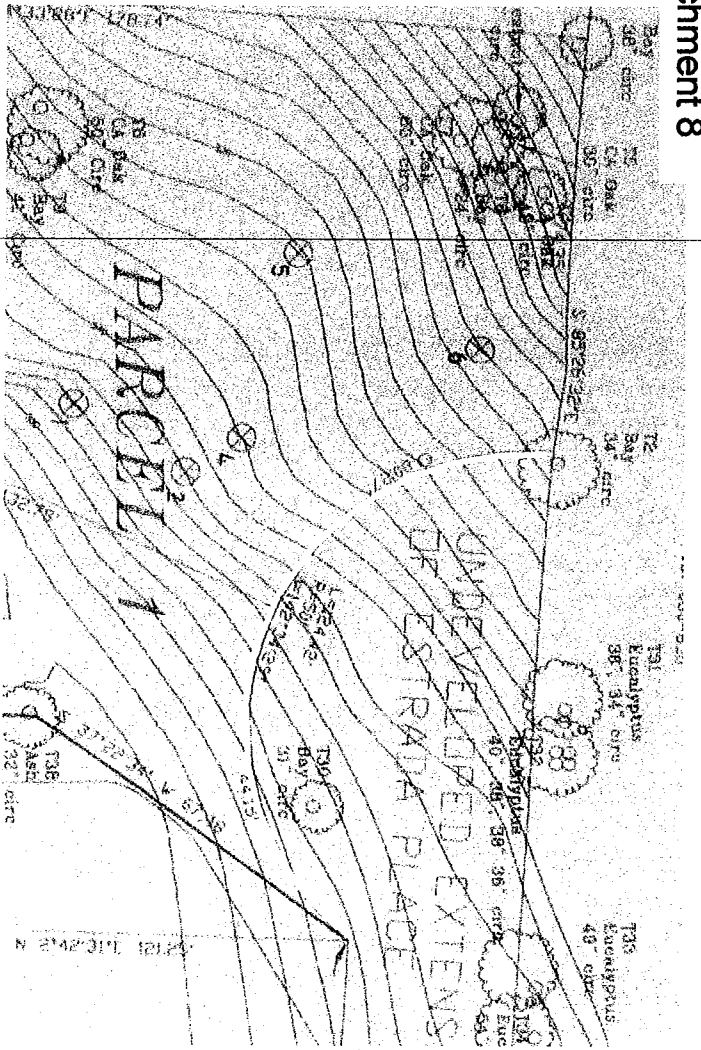
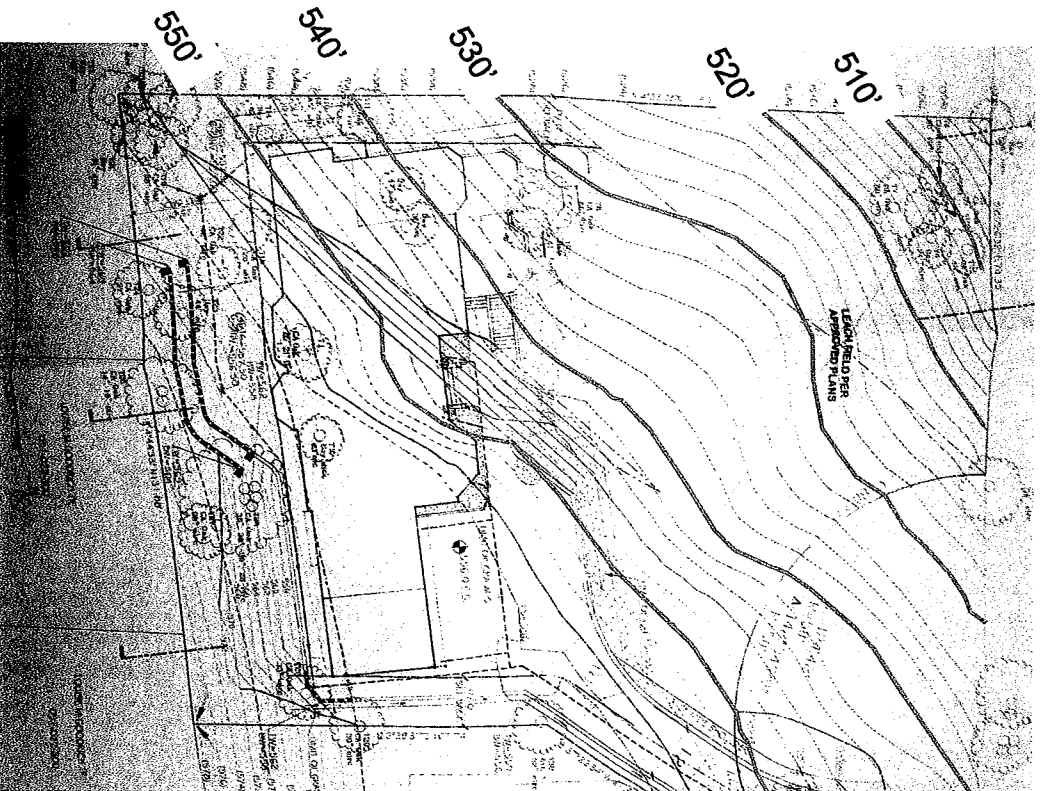
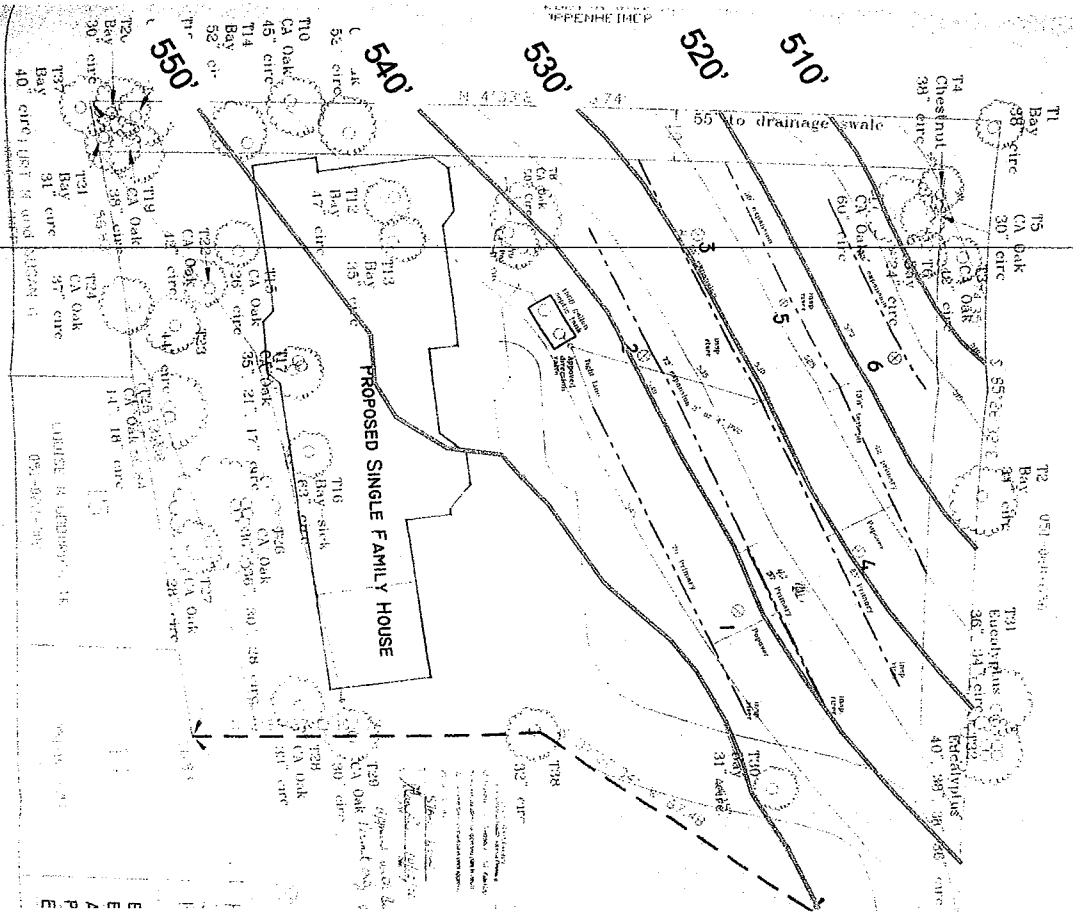


Exhibit A - Site plan
Showing arc for
Undeveloped Extension of
Estrada Place

Septic System Plan:
With arc for Undeveloped Extension
of Estrada Place

Proposed leach field on County land

Two different Topo maps submitted



Septic Plan Topo

Site Plan Topo

Contour lines are different

Septic plan has trees T12, T13, T8, T9 shifted up hill from Site plan

000100

Photo 3

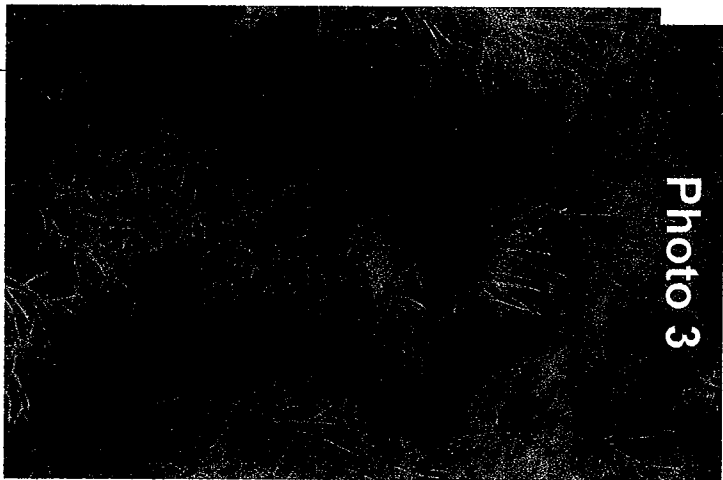


Photo 4



Photo 1

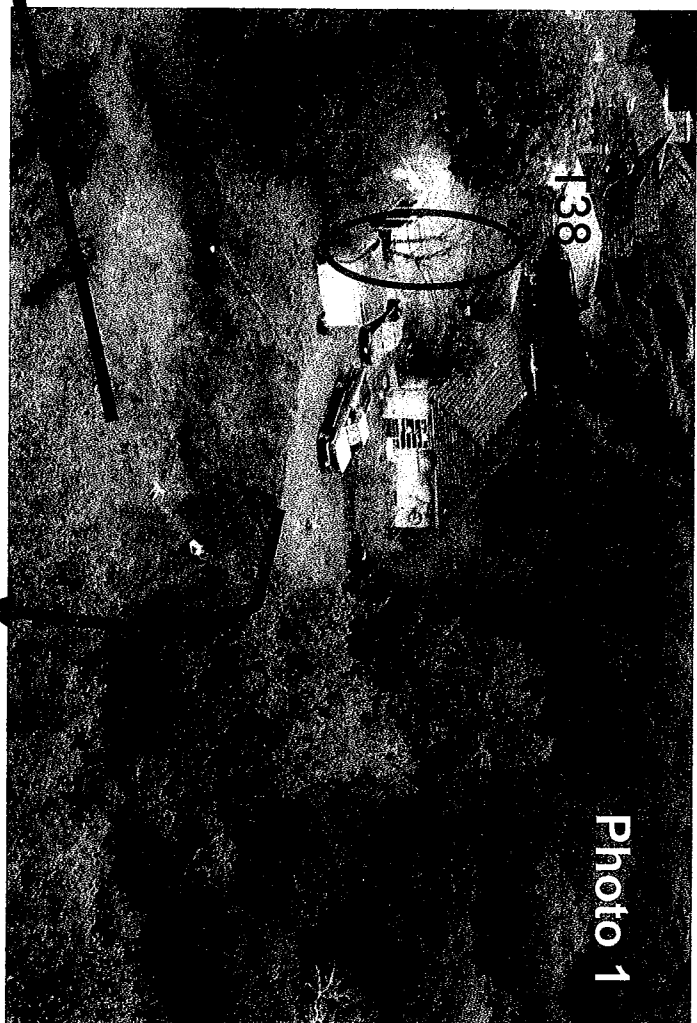
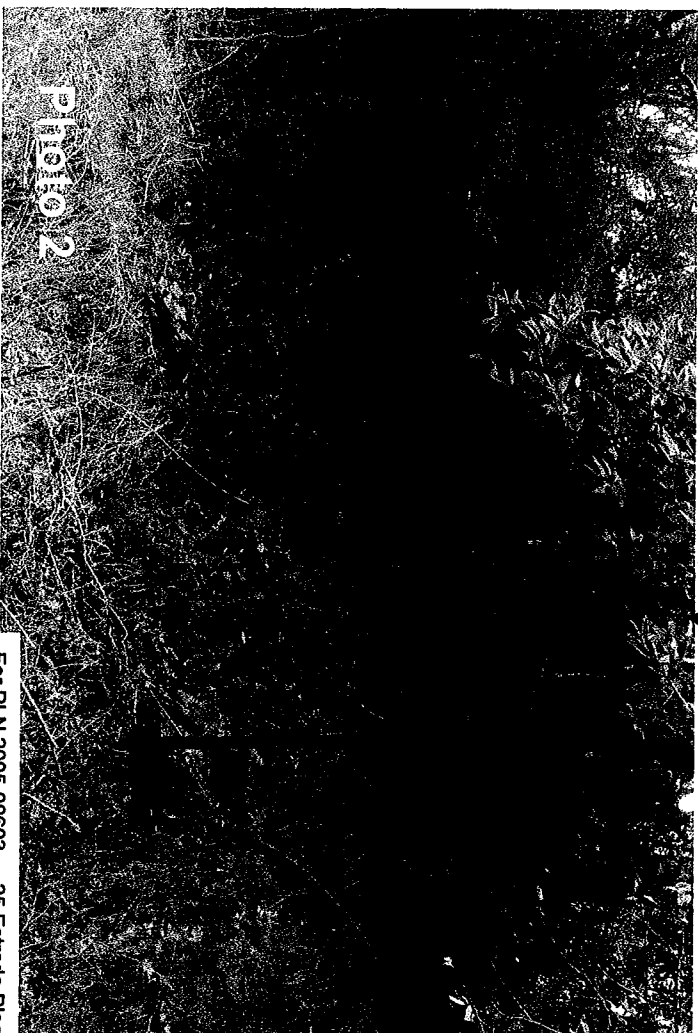


Photo 2



000101

San Mateo County Environmental Services Agency
Planning and Building Division

Application for Design Review by the County Bayside Design Review Committee

County Government Center • 455 County Center • Redwood City, CA 94063
 Mail Drop PLN 122 • 650 • 363 • 4161 • FAX 650 • 363 • 4849
 Permit #: DSR _____
 Other Permit #: _____

1. Basic Information

Owner:
 Name: _____
 Address: _____
 Phone W: _____ H: _____
 Zip: _____

Applicant:
 Name: _____
 Address: _____
 Phone W: _____ H: _____
 Zip: _____

Architect or Designer:

Name: _____
 Address: _____
 Phone W: _____ H: _____
 Zip: _____

2. Project Information

Phone W: _____ H: _____
 Zip: _____

Project Description:

Assessor's Parcel Number(s): _____

Project location:

Address: _____
 Zip: _____
 Zoning: _____
 Parcel/lot size: _____ sq. ft.

3. Site Description

◆ Existing vegetation: _____

◆ Number, type and size of trees to be cut: _____

◆ Grading: _____ cubic yards

Purpose of grading: _____

◆ Proposed landscaping: _____

◆ Proposed storage tanks and screening: _____

Applications which have not been signed by the Design Review Officer for certification of pre-design attendance are considered incomplete and will not be accepted by the Planning Division.

NOTE:

1. Upon submittal of this application to Planning staff, you will be given "NOTICE OF DESIGN REVIEW" cards to be posted on your parcel, visible from the street beginning 10 calendar days prior to and remaining posted through the date of your confirmed Design Review Committee hearing.
2. For new houses, all property boundaries and corners shall be clearly and visibly delineated by survey stakes.
3. For new houses and major additions, all corners of the proposed structure's footprint shall be clearly and visibly delineated by stakes.

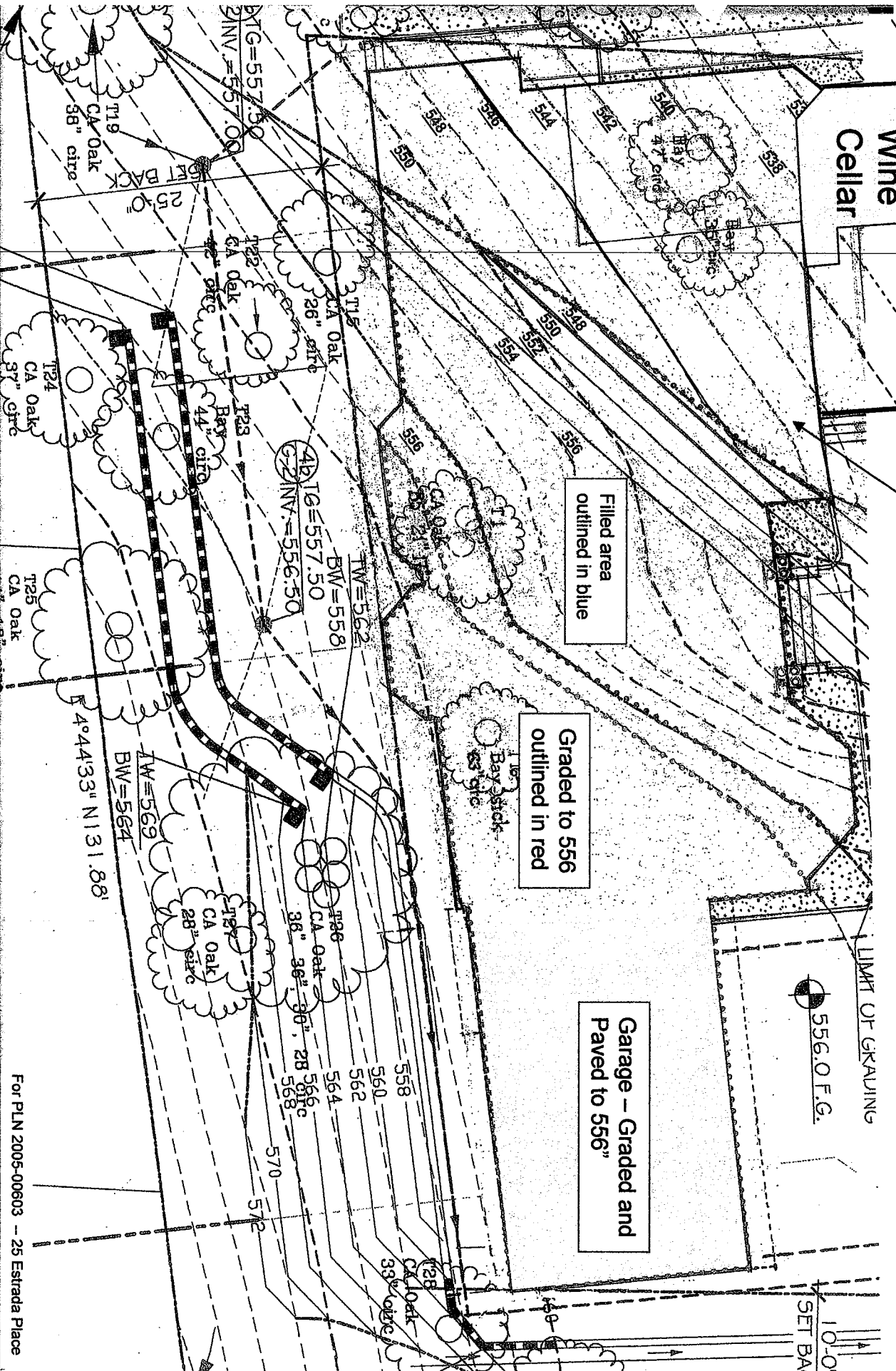
CERTIFICATION OF CONFERENCE ATTENDANCE

On _____, 20____ property owner _____ attended a pre-design conference in relation to the development project located at _____

Design Review Officer _____ Date _____

400+ sqft area under house where height from final grade (natural & fill) to 1st floor is 12' or greater.

The house is not stepped into the hill resulting in unused space under.



SUSAN AND KURT OPPENHEIMER
632 PALOMAR DRIVE REDWOOD CITY, CA 94062

June 26, 2007

To: Jean Demouthe
Jay Mazzetta

Re: Application for Grading Permit for 25 Estrada Place

Jean, Jay:

As a follow-up to our May 17th meeting with you, we've enclosed a courtesy copy of our comments regarding the application for grading permit for 25 Estrada Place, now under consideration.

Sincerely,



Kurt and Sue Oppenheimer

119-150

RECEIVED

2007 JUN 26 P 3:59

SAN JUAN COUNTY
PLANNING DIVISION

000104

SUSAN AND KURT OPPENHEIMER
632 PALOMAR DRIVE REDWOOD CITY, CA 94062

June 26, 2007

Mr. Farhad Mortazavi
Project Planner
Planning and Building Department
San Mateo County
455 County Center, Second Floor
Redwood City, CA 94063

Re: Consideration of a Bayside Design Review Permit and a Grading Permit to allow 985 total cubic yards of cut and fill for a new 5,234 sq. ft. single-family dwelling with an attached 3-car garage and driveway on a 20,001 sq. ft parcel, at 25 Estrada Place, Palomar Park; APN 051-022-420

Dear Mr. Mortazavi:

We are writing in response to your June 19, 2007 letter which invited comments on the referenced application. We share two property lines (E4°44'3" N131.88' & N4°33'28" E178.74') with the proposed construction site. We have the following comments with respect to the grading plans submitted on May 29, 2007. Please make these comments part of the public record.

Please also include us on updates to the grading permit status, approval process, and appeal process.

Slide and Leach Field Issues:

In the planning record there remains an open "LOOK" item, dated 5-17-07 by Jean Demouthe – Acting County Geologist –stating "There are MAJOR Geotechnical issues related to this property". We agree with this statement and are providing the following comments.

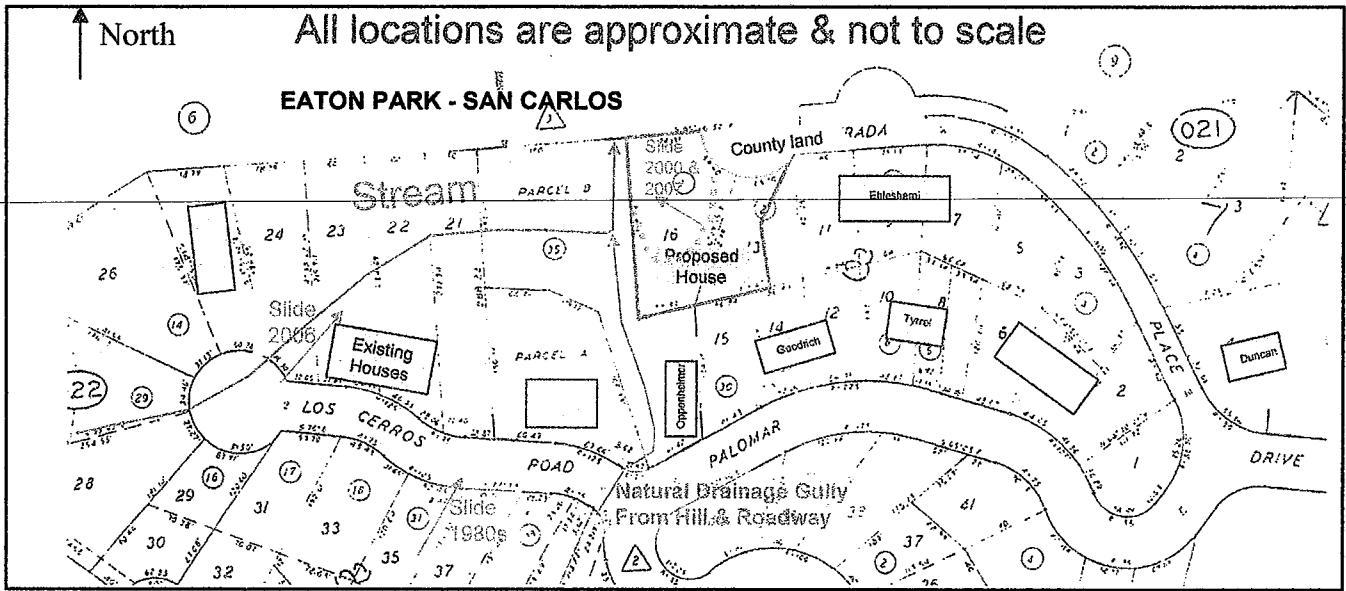
At the June 6, 2007 Bayside Design Review meeting, the effects of the house design and site plans on the geotechnical issues present on the property were acknowledged continually throughout the discussion, but without any conclusive directives. The applicant has insisted on a level pad design on a hillside; failed to use available level space for the structure; and designed the house to the maximum allowable size. This is unresponsive to the geotechnical issues of the lot, natural topology, history of land slides on the property, the drainage and leach field requirements, and to questions regarding soil quality. The plans feature:

- A 6000 sq ft house with grading to achieve a 3000 sq ft level pad footprint sited on a hillside – Attached Exhibit 1 & 2 – page 6 & 7.
- The level pad will require vertical cuts of up to 16.5 feet into a hillside with a 30% slope.
- 985 cubic yards of grading are required for the house and driveway
 - These calculations do not include the grading needed for the leach field per the applicants' own geotechnical reports or the possibility of needing to cut out old, bad fill as the BDRC and Mr. Goodrich believe. (see Soils Issues below)

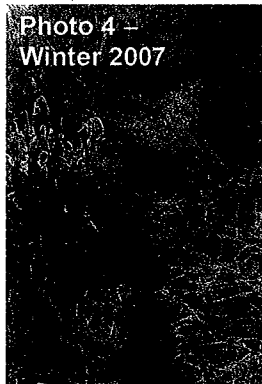
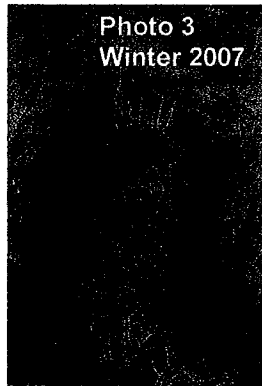
The area of Palomar Park where the proposed house is to be built is one that has experienced slides over the years (1980's, 2000, 2006 and 2007). The drawing below shows the approximate location of these slides, the proposed house, streams, and hillside drainage.

000105

SUSAN AND KURT OPPENHEIMER
 632 PALOMAR DRIVE REDWOOD CITY, CA 94062



- The following geotechnical concerns have not been factored into the design:
 - **Note:** Geotechnical issues associated with this lot are documented in file PLN2001-00128 – Lot Line Adjustment for **21 Estrada** – and not in the file for 25 Estrada.
 - The lot for the proposed house has experienced slides in 2000 and again during the winter of 2006-2007. Photo 1 & 2 – location of old slide. Photo 3 & 4 – winter 2007 slide.

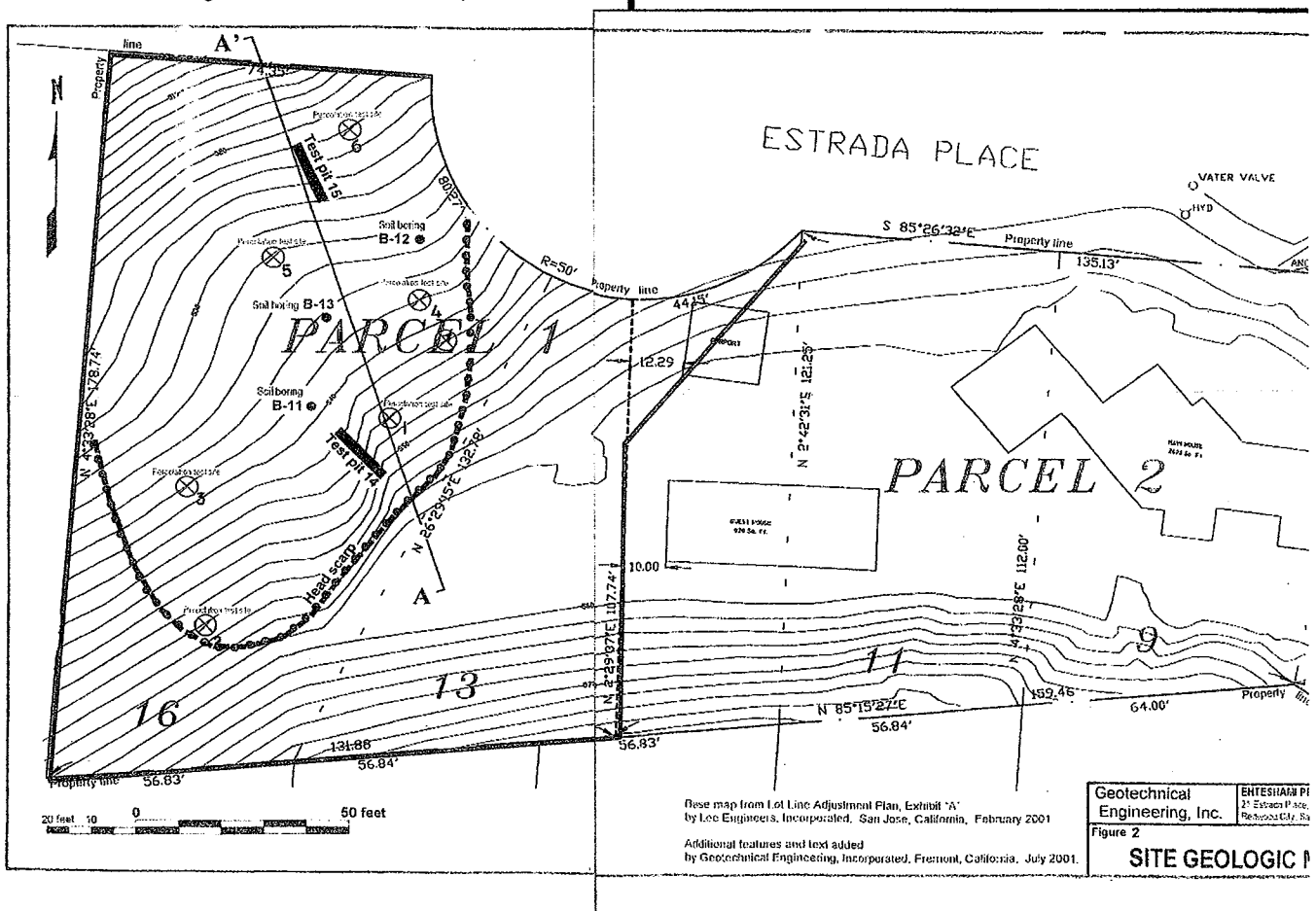


For PLN 2005-00603 – 25 Estrada Place

000106

SUSAN AND KURT OPPENHEIMER
 632 PALOMAR DRIVE REDWOOD CITY, CA 94062

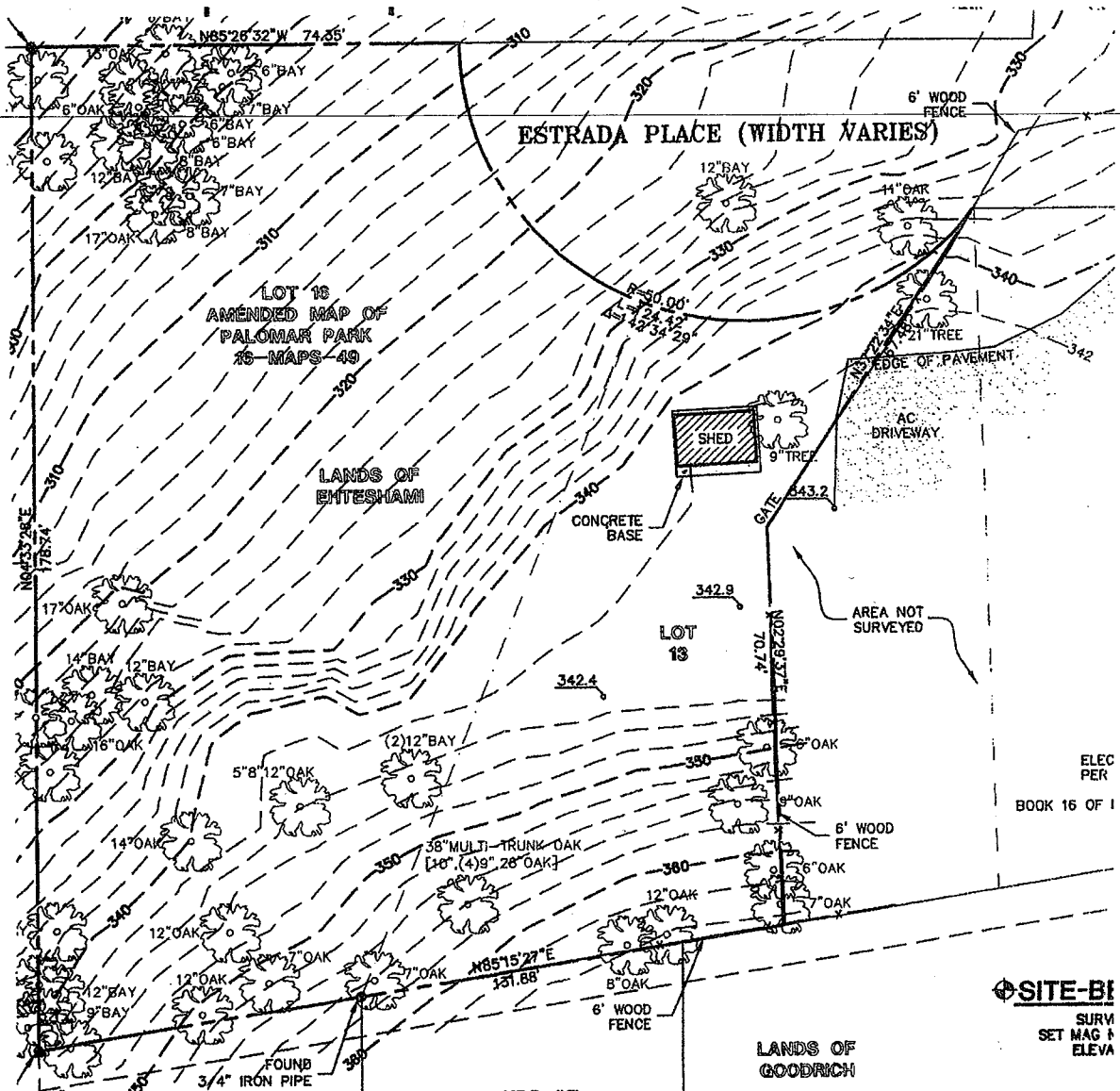
- The locations of these slides start in an arc that goes through the Northwest front corner of the proposed house and continues along the proposed driveway and covers ~50% of the lot. (see red line in Exhibit 1—page 6)
- The slides end in the stream in the northwest corner of the property. This stream runs directly into the Bay and is 12' from the NW property corner. It follows the western property line for ~90' before it turns away from the site.
- This **active slide area with a 40% grade** is where the proposed leach field is to be placed.
- Approved leach field plans for 25 Estrada **do not show** the required solution for stabilization of the slide area for the leach field, as recommended by GEI Consultants' (applicant's geotechnical consultants). In their Aug 21, 2003 letter they stated "the existing slide should be mitigated...by excavating a keyway extending 5' into competent rock..." (Note: This letter references their October 1, 2001 report, which we could not find on file for either 21 or 25 Estrada.)
 - The critical keyway solution was the determining factor in deciding 25 Estrada was a buildable lot, and yet no details for it (size, location, depth) appear on the current building plans for the site.
 - The keyways require the excavation of between 5 to 9 vertical feet of slide debris and clay to reach competent soil.
- The figure below is from GEI Consultants preliminary report dated August 3, 2001. This report used incorrect topological data to do all slope calculations. Topological data appears to be from the original 1950/1960 surveys.



000107

SUSAN AND KURT OPPENHEIMER
 632 PALOMAR DRIVE REDWOOD CITY, CA 94062

Below is the topological survey done in **April of this year**, notice the difference between this current survey and the old one above.



- A new geotechnical report needs to be generated using the correct topological data and comprehending the more recent slide activity to ensure that the recommendations for stabilizing the slope are still valid.
- The grading requirements to stabilize the slide area need to be included in the estimates for the site as they will be considerable with the removal of 5 to 9 feet of material to install the keyways and leach field.

Soil Issues:

The site went through extensive grading in the 1950's to create 21 Estrada (lot bordering the east side of this project).

- Mr. Goodrich (624 Palomar Drive), in his public comments at the June 6 Design Review Meeting, explained that he witnessed the grading that was performed in the 1950's as well as trees clear

000108

SUSAN AND KURT OPPENHEIMER
632 PALOMAR DRIVE REDWOOD CITY, CA 94062

cut on 21 Estrada and dumped on 25 Estrada to create fill to level out 25 Estrada.

- The BDRC was concerned that the soil conditions which caused the slide may extend further into the lot. They recommended that further studies of the soil be undertaken and, if needed, the removal of the bad 1950's fill to ensure stability of the site.
- In the 1950's after cutting into the hill for construction of 21 Estrada, the Goodrich's had to move their leach field from the east side of their property to the west side. This location is directly above where the hillside will be cut for the proposed house and raises concerns that the same issue will reappear when the hillside is cut again.

Drainage Issues:

- The current proposal for the drainage of the hillside and retaining walls is to capture surface and gutter run off into just 2 catch basins on either side of the house, with the output being released in the northwest corner of the lot, ~6' from the property line. These are inadequate from our experience living on the hillside for 24 years because:
 - i. The catch basins will always be clogged with leaves etc. We are using a 10" drainage system on our property and it regularly clogs in heavy rain.
 - ii. Without drainage system to steer the run-off to the drains the water will not be collected.
 - iii. The output from this drainage system is placed at the base of a cluster of ~6-8 significant Oak and Bay trees in the NW corner of the property. The increased water flow has the potential to destroy the root system of these trees. Tree preservation has been a major issue on this property as 12 trees are already slated to be removed.
- There is no proposal for what happens to the underground water collected by the French drains behind the main retaining wall of the house. We are concerned that this collection and concentration of the underground run off at the uphill corners of the structure will:
 - i. Divert excess runoff back onto our property
 - ii. Deposit runoff above the known slide area on 25 Estrada
 - iii. Increase water flow into soil that is known to be poor having a clay layer beneath the slide rubble.

Summary:

In summary, there should be a single, comprehensive development plan for this project to understand its full impact before any grading permit is issued. The comprehensive plan should include:

- an accurate and current geotechnical report
- an estimate of the total grading that will be needed for this project
- slide stabilization for safely installing the leach field
- stream protection for both during construction and after construction
- the drainage issues to fully protect our property from the increase in above-ground and below-ground run off
- the leach field issues for 624 Palomar (directly above where the hillside will be cut for the proposed house).

When a comprehensive development plan is reviewed, it will be clear that the proposed design fails to incorporate the major geotechnical limitations presented by this property. In fact the geotechnical issues are exacerbated by the non-stepped design, size and siting of the house. We urge that any grading permit for this project review and make comment about possible redesign or resiting of the house to mitigate its geotechnical issues.

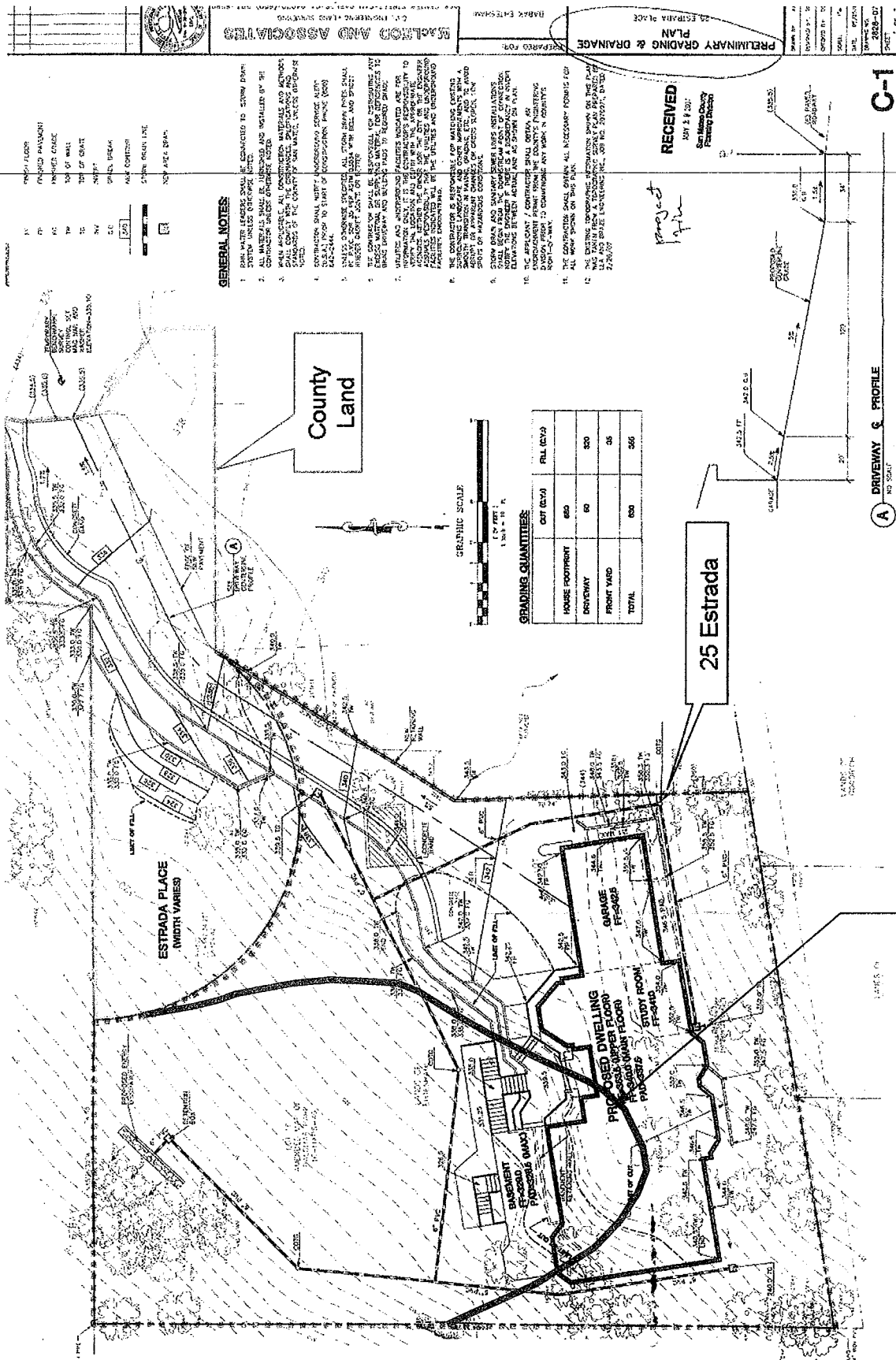
Sincerely,



Kurt & Sue Oppenheimer

000109

Exhibit 1:

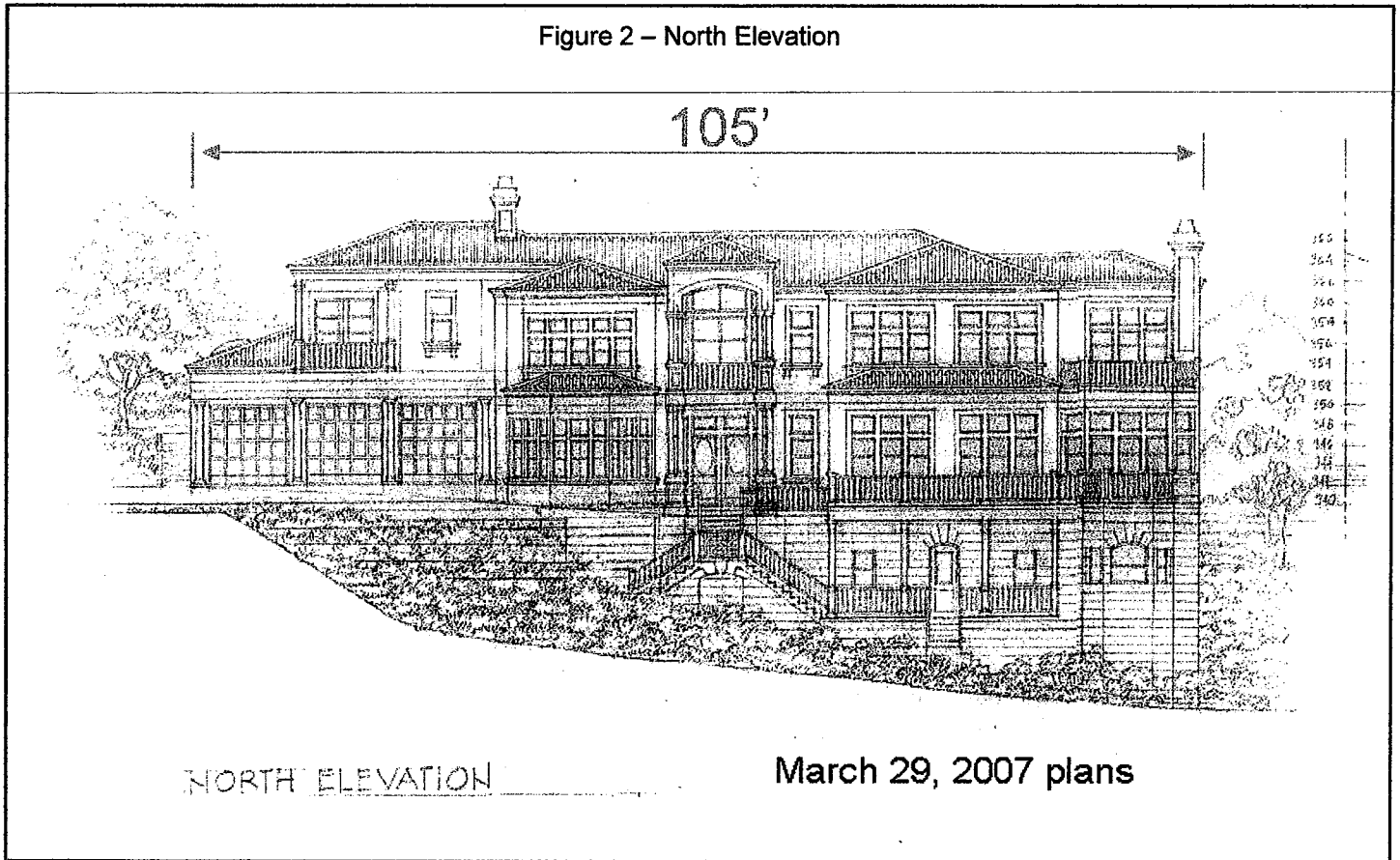


Approximate location of Head Scarp --- overlay map from 2001 geotech map on to May '07 grading plan

SUSAN AND KURT OPPENHEIMER
632 PALOMAR DRIVE REDWOOD CITY, CA 94062

Exhibit 2:

Figure 2 – North Elevation



NORTH ELEVATION

March 29, 2007 plans

SUSAN AND KURT OPPENHEIMER
632 PALOMAR DRIVE REDWOOD CITY, CA 94062
PH: 650-366-7984

April 28, 2008

Ms. Erica D. Adams - Design Review Officer
Ms. Jean Demouthe - County Geologist
Mr. James Mazzetta - Associate Civil Engineer
Planning and Building Division - San Mateo County
455 County Center
Redwood City, CA 94063

RECEIVED
2008 APR 28 P 1:55
SAN MATEO COUNTY
PLANNING DIVISION

Re: Geotechnical Input for 25 Estrada Place in Redwood City (File No. PLN 2005-00603)

Dear Ms. Adams, Ms. Demouthe, and Mr. Mazzetta;

The following is in response to the Geotechnical Review Sheet dated October 29, 2007 and Romig Engineers Geotechnical Investigation dated March 18, 2008 for the subject property. We would like to express several areas of concern for the county's consideration:

1) Grading

The grading permit currently on record for this property is for 985 CY. It was applied for and approved based on the estimates provided by MacLeod and Associates, using geotechnical data and recommendations from a GEI report dated 2001. The GEI report differs from the Romig report in several areas which could significantly impact the current grading requirements. Some examples of these differences are:

- Technique for stabilization of the landslide in the proposed leach field and the headscarps beneath the proposed structure
- Installations of subdrains at least 2 feet below the landslide deposits
- Removal of old non-engineered fill in the driveway area and below the residence site and associated retaining walls
- Replacement and compaction of the non-engineered fill.

If Romig's recommendations are adopted and increase the cut/fill needed to develop this site, how will Planning be handling this increase to the grading permit?

2) Drainage

We were pleased to see that the drainage issues of the site were studied, but we strongly object to the Romig recommendation (stated throughout the report) that if the drainage can not be delivered to a "suitable storm drain system on Estrada Place", the water should be discharged "just above the seasonal drainage downslope of the site." This "seasonal drainage" is not located on the applicant's property, but approximately 10' to the west on our property and running to the north on land owned by the City of San Carlos. This recommendation really means - dump the water on your neighbor's property, as Estrada Place has no storm drainage system.

We understand that the development plan for this site cannot be approved to allow an increase in runoff onto our property, but given the recommendations in the Romig report, we do not see how increased runoff will be prevented.

000112

SUSAN AND KURT OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

PH: 650-366-7984

Furthermore, Romig states (page 13 Paragraph 4) that "it should be noted that landslide deposits downslope of the lowermost (stitch pier) wall may reactivate". *This is the same area recommended above to be the discharge point for the entire site's drainage.*

The issue of how to discharge the drainage from the site has not been adequately addressed and with seemingly little concern for the effects to neighboring property.

3) Leach Field in the slide area

Romig's recommended solution for placing the leach field in an active slide area differs from the GEI solution (keyways) that was originally proposed in 2004. The current proposal is a series of stitch pier walls to stabilize the landslide, but on page 13 the report states "small localized failures are possible...after future heavy rainy seasons." It goes on to state that the landslide deposits below the "lowermost wall may reactivate leaving the lower wall exposed". If these failures occur what would be the impact to the leach field? Would we have sewage flowing onto our downhill property, or into the stream that flows through San Carlos to the Bay?

Furthermore, the original septic plan that was submitted in 2006 showed septic lines placed on county property. When we brought this to the attention of Stan Low and the county planner, they looked at the plans and noted that an extra line could be installed. To our knowledge, the applicants' Environmental engineer has never validated a revised septic plan incorporating this solution. Nor has the septic plan been reviewed in context to the new geotechnical report and formally submitted to the county for review and approval.

If the applicant insists on building such a large house on steep, unstable terrain, they must satisfy the building requirements as well as contain the subsequent environmental effects completely within their property lines.

Sincerely,



Kurt and Sue Oppenheimer

SUSAN AND KURT OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

PH: 650-366-7984

RECEIVED

2008 AUG 11 P 2:52

SAN MATEO COUNTY
PLANNING DIVISION

August 10, 2008

Ms. Erica D. Adams - Design Review Officer
Ms. Jean Demouthe - County Geologist
Mr. James Mazzetta - Associate Civil Engineer
Mr. Richard Lee - Public works
Mr. Stan Low - Environmental Health and Safety
Planning and Building Division - San Mateo County
455 County Center
Redwood City, CA 94063

Re: Geotechnical and Drainage plan Input for 25 Estrada Place in Redwood City (File No. PLN 2005-00603)

Dear Ms. Adams, Ms. Demouthe, Mr. Mazzetta, Mr. Lee, Mr. Low;

The following is in response to the Geotechnical Review Sheet dated May 20, 2008 and Romig Engineers response dated July 21, 2008 for the subject property. We would like to express several areas of concern for the county's consideration:

1) Missing Information

- a) The Romig report states: "We have reviewed the following plans: civil plan sheets C-1 and C-2, dated June 4, 2007, with revisions dated July 3, 2008, prepared by MacLeod and Associates." Sheet C-2 is not on file with the county and therefore not available for review.
- b) In both requests (dated October 26, 2007 and May 20, 2008) by the Geotechnical department to the applicant the county has requested a detailed drainage plan that "shows all elements of the proposed septic system". To date, this plan has not been provided.

2) Drainage

- a) We are still concerned with the revised drainage plans for the site regarding water directed toward the western property line. Each of the three catch basins has a 2' wide x 6" deep drainage ditch collecting surface run off and run off from impervious surfaces on the western half of the structure. See attached Drawing 1. Any significant amount of rain will cause the drainage ditches to direct both water and debris to the catch basins. In the best case the debris will flow through the grate of the basin, in the worst case the debris will clog the grate or plug the 6 inch drainage line. This is based on our experience of living in the Palomar hills for 20 years and maintaining the 8 inch drainage system on our own property which clogs regularly with twigs and leaves.

Two of the three catch basins are within a few feet of the property line, with our property being downhill of them. With 25 Estrada's drainage plan, any failure will cause the water to flow directly across our property to the creek at the bottom of our property. See drawing 2 - composite of Drawing C-1 for 25 Estrada and the original site plan for our lot. The pink arrows in drawing 2 show the down hill path the water will take when failure occurs.

000114

SUSAN AND KURT OPPENHEIMER
632 PALOMAR DRIVE REDWOOD CITY, CA 94062
PH: 650.366.7984

The end result is that we will experience erosion when this system fails.

We implore the county to require the drainage system to be engineered so that both the catch basin intakes and the piping can handle the normal accumulation of debris that will be caught by the drainage ditches. The system is not adequate if it is engineered only to accommodate the water flow. It is not acceptable that we be left to face property erosion from a poorly designed system that we neither own nor can maintain or repair.

- b) In the case log on the web site, Ms Demouthe asked for more data on what was downhill of the leach field and dissipater. Drawing 2 provides a rough indication of how our lot and 25 Estrada topology meet. Our property and the property of the City of San Carlos are below the proposed leach field. The dissipater, in its current location, will effect the City of San Carlos, but given its location and the topology, it is not clear what impact the dissipater will have on us.

In summary, the issue of how to effectively collect and discharge the drainage from the site has not been addressed in terms of the effects to neighboring property.

3) Leach Field in the slide area

Regardless of the slide repair, we are still talking about putting a leach field in an area covered in slide debris. This is of particular concern and raises several questions:

- The leach lines must be placed in competent soil. The entire length of each leach line will have to be dug below the lowest depth of slide debris encountered anywhere along that line— Drawing 3. According to Romig's soil borings and typical cross sections on C-1, the leach lines will have to be trenched across the face of the slope to a depth of:
 - ~12 feet for the lowest 2 lines,
 - ~10 feet for the middle 2 lines,
 - ~7 for the upper 2 lines.

Without a detailed soil map for each leach line, how do you know if a leach line remains below the slide debris and does not intersect a deep pocket of slide debris somewhere? What effect, if any, will trenching to this depth have on the stitch piers? Is trenching to such a depth still "trenching" or does this effect the grading plan?

- The leach field schematic (figure 7 of Romig's March 2008 report) shows the most uphill positioned leach line to be uphill of a subdrain. This subdrain is in competent soil, per MacLeod drawing C-1. Where must this leach line be placed to ensure no seepage of septic water into the drain runoff?

Furthermore, the original septic plan that was submitted in 2006 showed septic lines placed on county property. When we brought this to the attention of Stan Low and the county planner, they looked at the plans and noted that an extra line could be installed. To our knowledge, the applicants' Environmental engineer has never validated a revised septic plan incorporating this solution. Nor has the septic plan been reviewed in context to the new geotechnical report and formally submitted to the county for review and approval.

SUSAN AND KURT OPPENHEIMER

632 PALOMAR DRIVE REDWOOD CITY, CA 94062

PH: 650.366.7984

4) Construction

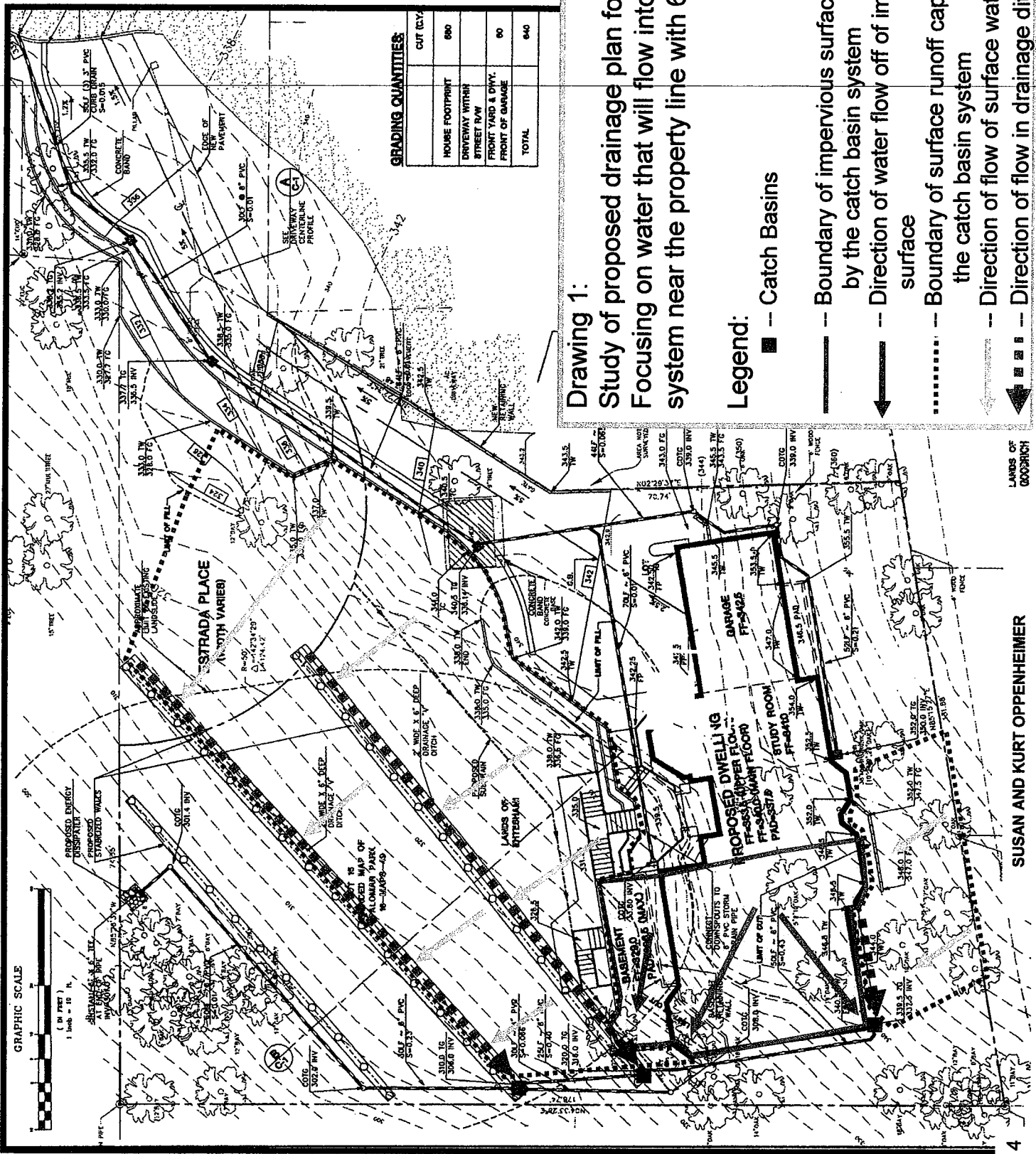
The construction of the lower two stitch pier walls appears to come to within one or two feet of the property line. Is this allowed within the 10' setback? If so, the approval of such a plan by the county does not imply the applicant has any right to access our property with construction equipment, personnel, material or debris in order to execute the construction.

If the applicant insists on building such a large house on steep, unstable terrain, they must satisfy the building requirements as well as contain the subsequent environmental effects completely within their property lines.

Sincerely,



Kurt and Sue Oppenheimer



GRADING QUANTITIES:

	CUT (CY)
HOUSE FOOTPRINT	690
DRIVEWAY WITHIN STREET R/W	80
FRONT YARD & DWY.	80
FRONT OF GARAGE	840
TOTAL	840

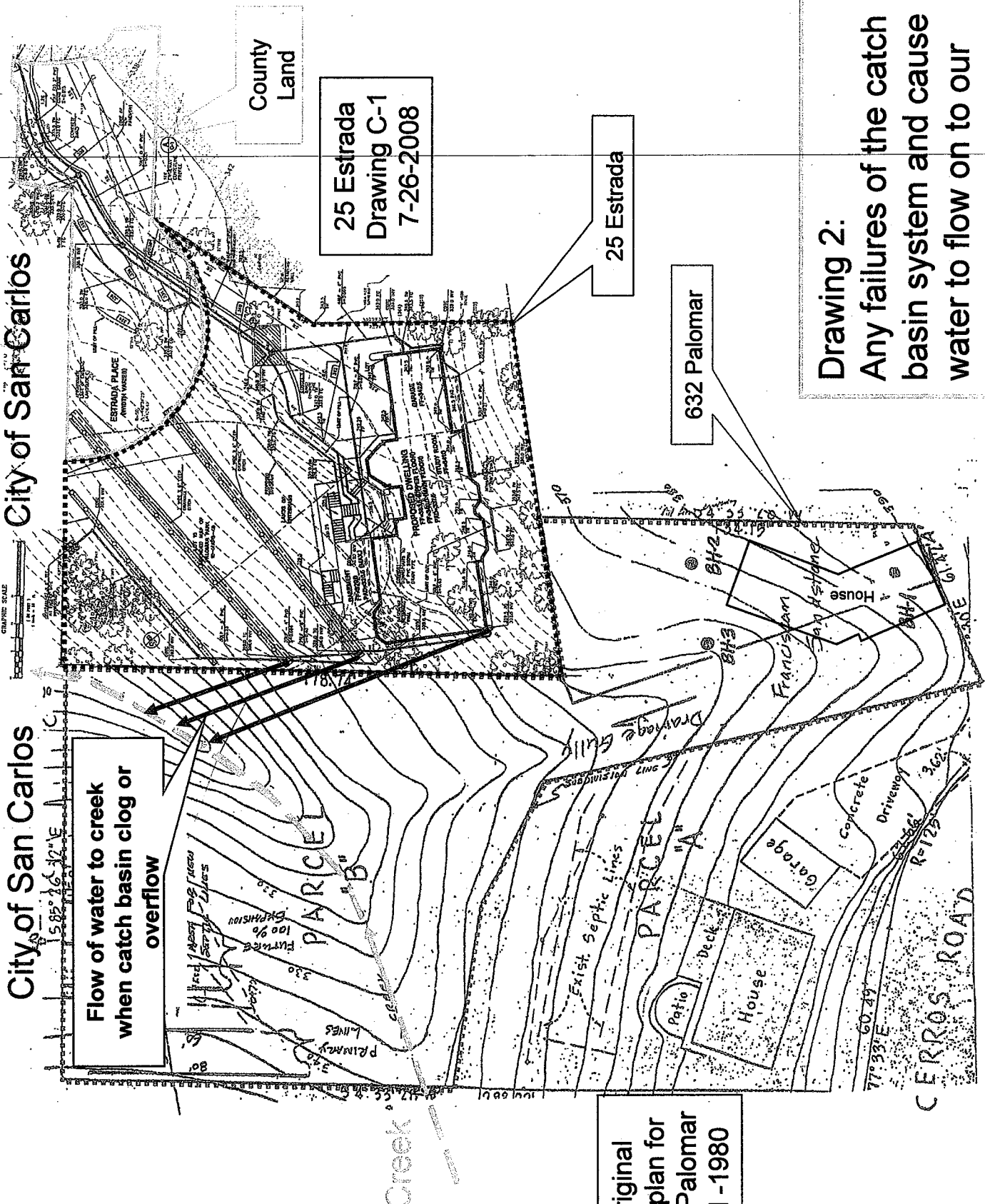
Drawing 1:
Study of proposed drainage plan for 25 Estrada.
Focusing on water that will flow into catch basin system near the property line with 632 Palomar.

- Legend:**
- -- Catch Basins
 - Boundary of impervious surface captured by the catch basin system
 - Direction of water flow off of impervious surface
 - Boundary of surface runoff captured by the catch basin system
 - ⇨ Direction of flow of surface water runoff
 - ⇩ Direction of flow in drainage ditches

SUSAN AND KURT OPPENHEIMER

City of San Carlos

City of San Carlos



Flow of water to creek when catch basin clog or overflow

County Land

25 Estrada
Drawing C-1
7-26-2008

25 Estrada

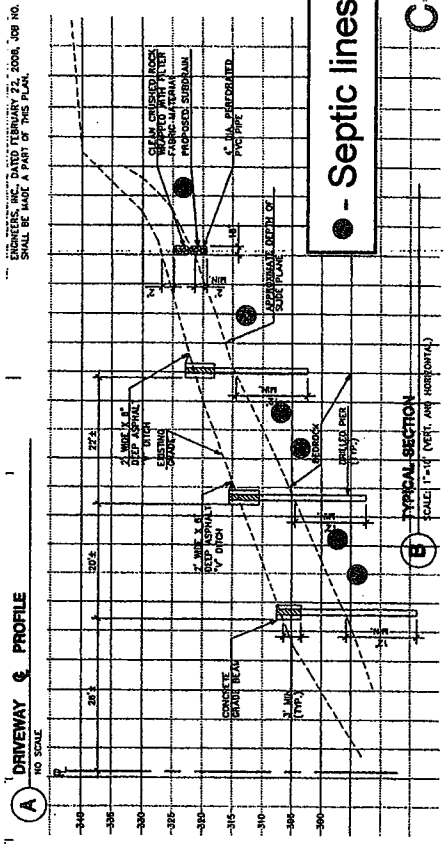
632 Palomar

Original site plan for 632 Palomar mid -1980

Drawing 2:
Any failures of the catch basin system and cause water to flow on to our property to creek.

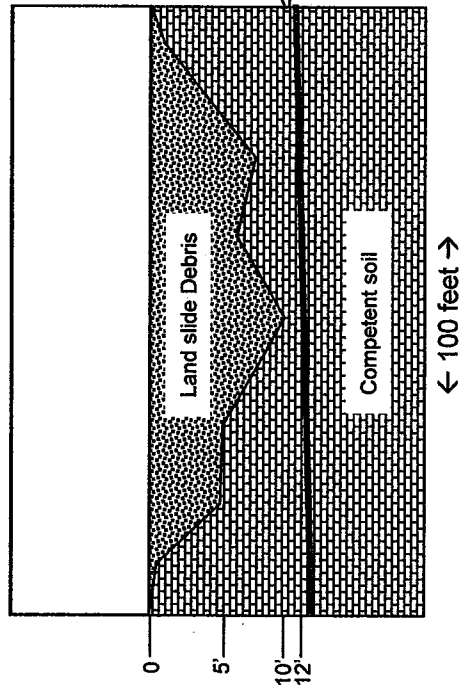
000118

Approximate location of septic lines



Drawing C1 with approximate placement of septic lines from Romig Figure 7 March 2008

Example of trenching requirements



- Septic lines need to be placed 2-3" into competent soil below debris
- Septic are installed with gentle slope of 1/8" to 1/4" per linear foot

In this example the trench will need to remove

- 10' of debris and 2' of competent soil in the middle of the slope face
- 0' of debris and 12' of competent soil on either side of the slope face

Resulting in a 12 foot deep trenching running across the face of the slope

Cross section of septic line running across the face of slope

Drawing 3:
Trenching for Leach lines