

From: [Patrick Kobernus](#)
To: [Camille Leung](#)
Cc: [rod.myreconstruction.com](#); [Timothy Pond](#); [Glen Jia](#)
Subject: Re: Item \$4 on August 211, 2022 CDRC Agenda: PLN 2021-00478
Date: Thursday, August 11, 2022 11:08:22 AM

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Hi Camille, Determining where hydric soils are present will require digging soil pits, in accordance with the USACE method for wetland delineations. A map would have to be prepared showing where they are, if present, in the Montecito riparian corridor. This would be on property that is not owned by Mr. Lacasia.

Patrick

On Thu, Aug 11, 2022, 10:56 AM Camille Leung <cleung@smcgov.org> wrote:

Hi Patrick,

Thanks for addressing the wetland plant type question. Please note that the LCP defines wetlands as areas with “hydric soils **or** [water] to support the growth of plants which normally are found to grow in water or wet ground” (which are broadly defined).

Please address hydric soils question. If you can't do so prior to meeting today at 4pm, we will just mention that you will be responding with a biologist letter with regard to the wetland definition.

Thanks

LCP Policy 7.14

Definition of Wetland Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine

7.5 areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric. In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

From: Patrick Kobernus <PKobernus@crecology.com>
Sent: Wednesday, August 10, 2022 10:55 PM
To: rod [myreconstruction.com](mailto:rod@myreconstruction.com) <rod@myreconstruction.com>
Cc: Camille Leung <cleung@smcgov.org>; Timothy Pond <timepond@gmail.com>; Glen Jia <bjia@smcgov.org>
Subject: Re: Item \$4 on August 211, 2022 CDRC Agenda: PLN 2021-00478

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Hi Camille,

Here is my response to the question

Ms. Roberts states in her email (to Camille Leung, County Planner on August 8, 2022):

"Due to the presence of Arroyo Willow in the lower area of the subject property, the area described as "Riparian" by Coast (Ridge) Ecology is also a wetland, per CCC determination for Dispute Resolution 2-9-1994-EDD (Ralston, single family residence on a 20,000 sq.ft.parcel at the end of Hermosa Avenue, unincorporated Miramar, San Mateo County)".

This is not an accurate statement in regards to the San Mateo County LCP (2013). Arroyo willow is listed as a riparian corridor species, but is not listed as a wetland species under the LCP. See text cited below from LCP.

In addition, there is some species overlap between the SMC LCP's Definition of Wetlands and Definition of Riparian Corridors. For example, species such as broad-leaf cattail and narrow-leaf cattail are both listed under the Definition of Riparian Corridors and the Definition of Wetlands. In fact, many 'wetlands' and 'riparian corridors' will have some overlap in species composition, however they are distinctly different features. A riparian corridor is essentially a streamside forest dominated by woody vegetation, and the multiple

tree species listed under the Definition of Riparian Corridors illustrates this (i.e., red alder, big leaf maple, narrow-leaf cattail, **arroyo willow**, creek dogwood, black cottonwood, and box elder).

Alternatively, no tree species (or other woody vegetation) are listed under the Definition of Wetlands. The examples cited as types of wetland features included are: mudflats (barren of vegetation), marshes, and swamps. These areas often support herbaceous wetland plant species (i.e., narrow-leaf cattail, bog rush, tules, and others) as listed in the Definition of Wetlands.

The Montecito Riparian Corridor is a forested riparian feature associated with an intermittent creek. There is a defined creek channel within the approximate center of the corridor that has an approximate channel width of 5 feet and is incised approximately 5 feet (channel bank height), (CRE, 2020). The Montecito Riparian Corridor is densely forested with mature arroyo willow forest vegetation (over 50% cover) throughout its length and width. The surrounding topography consists of uplands that slope down to the creek, including the adjacent uplands where Mr. Lacasio's property is located at 779 San Carlos Avenue. This is evident from previous field surveys by Coast Range Biological in 2004, by Coast Ridge Ecology in 2013 and 2020 (attached), and from Google Earth imagery.

As stated above when quoting the Definition of Wetlands and Definition of Riparian Corridors in the LCP, there is some overlap in species composition of wetlands and riparian corridors. Wetlands can also sometimes be found near riparian corridors within depressions and wide floodplains where water ponds long enough to create anaerobic conditions. However these are different features, and does not mean that every wetland is a riparian corridor and every riparian corridor is a wetland. From a biological and a regulatory standpoint, the totality of characteristics of the feature should be evaluated and be the guiding determination on whether a particular feature is defined as a Wetland **OR** a Riparian Corridor. Based on the Definition of Riparian Corridors in the SMC LCP, the Montecito Riparian Corridor has been accurately identified as a Riparian Corridor.

The LCP states the following for Definition of Riparian Corridors and Definition of Wetlands:

RIPARIAN CORRIDORS

7.7 Definition of Riparian Corridors

Define riparian corridors by the “limit of riparian vegetation” (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, **arroyo willow**, broadleaf cattail, horsetail,

creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

WETLANDS

7.14 Definition of Wetland

Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.

In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

If you have any questions please don't hesitate to contact me.

Patrick

On Wed, Aug 10, 2022 at 9:48 AM Patrick Kobernus <PKobernus@crecology.com> wrote:

Rod, Camille:

I will review the biological reports and the County LCP and respond by this evening.

Patrick

On Tue, Aug 9, 2022 at 5:42 PM rod [myreconstruction.com](mailto:rod@myreconstruction.com) <rod@myreconstruction.com> wrote:

Hello Camille - I am just seeing this now. At this point in time, I'm not sure of what, if

anything, Patrick can do in such short notice. If he is unable to provided anything, what happens to the agenda item 4? Pulled, deferred, postponed?

Hello Patrick - Is there any documentation or substantiation that you can prepare by noon Thursday to indicate that the property is not in a wetlands area. As mentioned by Camile below, please use LCP wetland indicators not Army Corps of Engineers wetland indicators.

I have read all reports going back to Tom Mahoney's original 2004 report and none of them identify the property as being in, nor near, a wetland designated area of any kind. In fact, the reports all specifically focus on the demarcation of the riparian boundary for the parcel with specific references to upland vegetation to identify the riparian corridor, never indicating a reference to existing or potential wetlands. Please let me know how or when you might be able to respond to Camile's request to address the comment from Lennie Roberts.

Thanks,

Rod

From: Camille Leung <cleung@smcgov.org>
Sent: Monday, August 8, 2022 2:52 PM
To: rod [myreconstruction.com](mailto:rod@myreconstruction.com) <rod@myreconstruction.com>
Cc: Timothy Pond <timepond@gmail.com>; 'Patrick Kobernus' (<pkobernus@crecology.com> <pkobernus@crecology.com>); Glen Jia <bjia@smcgov.org>
Subject: FW: Item \$4 on August 211, 2022 CDRC Agenda: PLN 2021-00478

Hi Rod,

Please have the Project Biologist address the comment below re: potential wetland on the property. Please use LCP wetland indicators not Army Corps of Engineers wetland indicators.

Thanks

From: Lennie Roberts <lennieroberts339@gmail.com>
Sent: Monday, August 8, 2022 11:44 AM

To: Camille Leung <cleung@smcgov.org>
Cc: Glen Jia <bjia@smcgov.org>; Richard Klein <richk@richk.com>; Kathleen Klein <kathyrklein@hotmail.com>; Susana Van Bezooijen <svanb9@gmail.com>; Martinez, Erik@Coastal <erik.martinez@coastal.ca.gov>
Subject: Re: Item \$4 on August 211, 2022 CDRC Agenda: PLN 2021-00478

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Hi Camille,

Thanks for your quick reply. And thanks for clarification re the IS/MND.

However, I disagree with your conclusion about the project's location outside of the Commission Appeals Jurisdiction. Due to the presence of Arroyo Willow in the lower area of the subject property, the area described as "Riparian" by Coast Ecology is also a wetland, per CCC determination for Dispute Resolution 2-9-1994-EDD (Ralston, single family residence on a 20,000 sq.ft.parcel at the end of Hermosa Avenue, unincorporated Miramar, San Mateo County). Although that case involved the question of whether the Ralston property fell within the Categorical Exclusion area, the Coastal Commission staff biologist, Dr. Lauren Garske-Garcia, concluded that the biological resources on-site (specifically Arroyo Willow — as is the case with the Lacasia property) qualified as both riparian and wetland, and therefore could not be excluded from CDP requirements. Therefore, in this case, the applicable buffer zone setback from the outermost line of Arroyo Willow vegetation is 100 feet. This may be reduced to no less than 50 feet only upon demonstration that the reduced setback is adequate to protect wetland resources to the satisfaction of both the County and CA Fish and Wildlife per LCP Policy 7.18,

And as I stated in my letter of August 7, 2022, if you still disagree with the appealability of the CDP to the Coastal Commission, please refer this question to the Coastal Commission's Executive Director. I believe the County Zoning Regulations Section 6328.3(s)(2) is quite clear - projects located within 100 feet of any wetland are appealable to the Coastal Commission.

Best,

Lennie

On Aug 8, 2022, at 9:55 AM, Camille Leung <cleung@smcgov.org> wrote:

Hi Lennie,

Thanks for your comment letter. Based on the survey attached, the project (not the parcel, but location of proposed development) is outside of the Coastal Commission Appeals Jurisdiction. The County has a long standing practice of basing appealability on the project location, not parcel location in the CCC Appeals Jurisdiction. The IS/MND will follow after the DR

meeting. The decision to bring the project to Design Review first was made due to the Applicant's rapidly failing health and due to the strength of the survey and bio reports submitted, which are attached here.

Thanks

-----Original Message-----

From: Lennie Roberts <lennieroberts339@gmail.com>

Sent: Sunday, August 7, 2022 10:54 AM

To: Camille Leung <cleung@smcgov.org>; Glen Jia <bjia@smcgov.org>

Cc: Richard Klein <richk@richk.com>; Kathleen Klein

<kathyrklein@hotmail.com>; Susana Van Bezooijen

<svanb9@gmail.com>; Martinez, Erik@Coastal

<erik.martinez@coastal.ca.gov>

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Dear Camille and Glen,

Please see my letter on behalf of Green Foothills re: above-referenced project.

Thanks,

Lennie Roberts

<Kobernus LacasiaOverallTopoMapSignedStamped.pdf><Kobernus Lacasia_letter report 08-13-2020.pdf><Kobernus Final Lacasia letter report 07-25-2013.pdf><Kobernus Lacasia letter report_02-14-2020.pdf>

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