



Planning & Building Department Planning Commission

Kumkum Gupta, 1st District
Frederick Hansson, 2nd District
Lisa Ketcham, 3rd District
Manuel Ramirez, Jr., 4th District
Mario Santacruz, 5th District

County Office Building
455 County Center
Redwood City, California 94063
650/363-1859

ACTION MINUTES

Draft

MEETING NO. 1678
Wednesday, October 9, 2019

In the Board of Supervisors Chambers, Hall of Justice and Records, located at 400 County Center, Redwood City.

Chair Gupta called the meeting to order at 9:01 a.m.

Pledge of Allegiance: The Pledge of Allegiance was led by Chair Gupta

Roll Call:
Commissioners Present: Hansson, Ketcham, Gupta, Ramirez
Commissioners Absent: Santacruz
Staff Present: Monowitz, Fox

Oral Communications to allow the public to address the Commission on any matter not on the agenda.

None

Consideration of the Minutes

Minutes for the September 25 and October 9th hearings will be considered at the October 23rd Planning Commission meeting.

CONSENT AGENDA

Commissioner Hansson moved for approval of the Consent Agenda, and Commissioner Ramirez seconded the motion. Motion Carried 4-0-0-1 (Commissioners Santacruz absent), approving one item as follows:

1. **Owner:** Ted Stevenson Angwin
Applicant: Jim Wilkinson
File Number: PLN2019-00025
Location: Cabrillo Highway, unincorporated San Gregorio

Assessor's Parcel Nos.: 066-330-130; 066-330-150

Consideration of an Architectural Review Exemption, Coastal Development Permit and Planned Agricultural District Permit, to drill a domestic well to serve a future single-family dwelling on a vacant parcel. The project is appealable to the California Coastal Commission. Application deemed complete April 18, 2019. Please direct any questions to Project Planner Renée T. Ananda at 650/363-1554 or rananda@smcgov.org.

FINDINGS**Regarding the California Environmental Quality Act, Found:**

1. That an addendum to the adopted Mitigated Negative Declaration has been prepared and demonstrates that none of the conditions described in CEQA Guidelines Section 15162, requiring subsequent environmental review, are present.

Regarding the Architectural Review Exemption, Found:

1. That the site evaluation, including a field visit of the property by Planning staff and photos submitted with the application, verifies that the proposed project will not be visible from Highway 1 (Cabrillo Highway). Although the project parcel is located within the Cabrillo Highway State Scenic Corridor, the proposed project will be minimal in size and will not result in significant vegetation removal. Given the topography, existing vegetation, finished height, and location of the proposed well, it will not be visible from Cabrillo Highway or any other public viewpoints.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Section 6328.7, and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP) as described in the staff report to the Planning Commission dated October 9, 2019.
3. That the project conforms to the findings required by policies of the San Mateo County Local Coastal Program. Specifically, in regard to the Agriculture and Visual Resources Components, that the domestic well is conditionally permitted with the issuance of a Planned Agricultural District permit, that the project has been proposed to be located in an area that has been defined as "*Lands Suitable for Agriculture*," and that the proposed project converts only a small portion of the parcel leaving the remaining undisturbed area available for agricultural uses. In addition, the project will not be visible from scenic roadways or corridors, does not result in a significant change to natural landforms, and is mitigated to prevent potential impacts to coastal resources and sensitive habitats.

Regarding the Planned Agricultural Permit, Found:***General Criteria***

4. That the encroachment of all development upon land, which is suitable for agricultural use, is minimized. The proposed well will result in only minimal site disturbance and converts only a small portion of the project parcel. The remaining portion of the parcel will be available for future agricultural activities.
5. That the project conforms to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code. The project complies with Section 6324.1 and Section 6324.4, which respectively address the potential for environmental impacts and water resources, as the project will not introduce noxious odors, chemical agents, or long-term noise and is conditioned to mitigate any significant adverse environmental impacts upon

primary wildlife or marine resources. The project also complies with Section 6325.1, which addresses primary scenic resources areas. While the project is located within the scenic corridor, the impact to scenic public views is minimal as the project is minor in nature and the existing topography and vegetation screen the project from public viewpoints.

Water Supply Criteria

6. That the existing availability of potable and adequate on-site well water source for all non-agricultural uses is demonstrated. The project parcel currently does not have an on-site well water source for either agricultural or domestic purposes. The well is being proposed to determine if any on-site domestic water source exists on the parcel.
7. That adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished. Per the submitted hydrologist report, the proposed well is located an adequate distance from the nearest existing well as to not impact its production. Further, there is no expectation that the proposed well will result in significant groundwater depletion or interfere with groundwater recharge.

Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

8. That all agriculturally unsuitable lands on the parcel have been developed or determined to be undeveloped. The proposed well locations have been identified as the most likely area to find water on the parcel after the first and second attempts (2015 and 2016) did not yield sufficient water to support a single-family residence. The proposed well has a minimal footprint and the overall area of disturbance is limited which allows the large remainder of the parcel to remain available for future agricultural activities.
9. That the continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. The proposed well will convert only a small portion of the parcel leaving the majority of the parcel available for agriculture uses.
10. That the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing. Given the distance between the proposed well locations and the nearest agricultural uses, no impact is expected on the productivity of adjacent agricultural lands.
11. That the public service, facility expansions, and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. The proposed well does not require public service or facility expansions. The proposed well is completely located on the subject parcel and does not limit the agricultural viability of the parcel, considering the small portion of the parcel to be converted. Environmental Health Services has preliminarily reviewed the proposed plans and found it to be in compliance with current health standards, thereby assuring there is no threat to water quality

CONDITIONS OF APPROVAL

Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on October 9, 2019. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one (1) year from the date of approval in which time a well permit shall be issued. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. Construction shall be within the dry season (approximately May 1 to September 30) and allowed after the rainy season ends when the ground is dry enough to support equipment at the work area. The applicant shall reference the January 31, 2019 report, *Impact Area Map (Figure 2.)* prepared by the GANDA biologist to implement mitigation measures required by Condition No. 8 and Condition No. 9b. (below).
4. Upon the start of excavation activities and through to the completion of the project, the applicant shall be responsible for ensuring that dust control measures are implemented as needed. The intent shall be to mitigate excessive dust generation resulting from any and all excavation and earth-moving operations.
5. Prior to the beginning of any well drilling or other associated construction activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
 - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with storm water.
 - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
 - d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

- f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.
 - i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilizing designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. The contractor shall train and provide instructions to all employees and sub-contractors regarding the construction best management practices (BMPs).
6. Implement BMPs during all phases of building/drilling to include pre- and post-construction activities. Best management practices shall include but not be limited to the following to prevent spoils from entering the pond and creek located on the southern portion of the parcel, downslope of the drilling impact areas:
- a. Install straw wattles or other natural biodegradable erosion control measures that do not contain plastic monofilament netting, on the perimeter of the project area (i.e., along the existing dirt road and on the perimeters of the 50-foot radius of temporary impact around the drill sites), and particularly around alternative well Site #4.
 - b. Restrict construction vehicles to traveling and parking only on the existing dirt road and within the 50-foot radius of temporary impact around the drill site.
 - c. Call off work if there is greater than 20% chance of precipitation.
 - d. Cover spoils piles at end of each day and prior to rain events.
7. Protect biological resources:
- a. For the Coastal marsh milk-vetch, Choris' popcorn flower, and any other special status and protected species which have a potential to occur within the project area, blooming season plant survey shall be conducted by a qualified biologist in late May or early July to encompass the variability of bloom time triggered by weather variability. If the Coastal marsh milk-vetch, Choris' popcorn flower, or any other special status or protected species are determined to be present, the applicant shall consult a qualified biologist to recommend avoidance measures such as fencing, alteration of the planned impact area, and restricted access. The applicant shall also reference the Impact Area Map prepared by the project biologist for implementation and management of mitigation measures used.

- b. Install and maintain a 3-foot tall frog and snake fence around the construction work site and along the road to the parcel's entrance/access point. Fence shall be located ten feet away from well locations.
8. Pre-construction survey (within 48 hours of start of construction) during avian nesting season, generally February 15th to mid-August, to be conducted by a qualified biologist. This survey will capture data regarding nesting birds within the temporary impact area and the surrounding vicinity. If nesting birds are discovered, the following steps will be taken to determine whether the construction activities will disturb the nest, and to minimize construction impact:
 - a. Determine and mark a suitable buffer within which no construction activity or access may occur.
 - b. A qualified biologist shall monitor the nest during construction for disturbance to the nest.
 - c. If it is determined that construction activities are disrupting nesting activities, suspend construction activities until nestlings have fledged.
9. In the event that prehistoric materials such as flaked stone tools (e.g., projectile points, knives, choppers), obsidian, chert, basalt, or quartzite debris, bone tools, culturally darkened soil (e.g., midden soil often contains heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials), and stone milling equipment (e.g., mortars, pestles, hand stones) are encountered, all excavations shall be halted immediately, the San Mateo County Planning Department must be notified, and an archaeologist must be retained to examine the finds and assess the potential significance.
10. A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.
11. Use existing roads to the maximum extent feasible to avoid additional surface disturbance.
12. During all phases of the project, keep equipment and vehicles within the limits of the previously disturbed areas of the project site.
13. The property owner, applicant, and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately, and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

14. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).
15. There shall be no removal of any significant vegetation that screens the view of the structure from Cabrillo Highway. Removal of any such vegetation shall be permitted only by the Planning Commission as part of an application for Architectural Review.
16. If any portion of a new structure is visible from Cabrillo Highway after substantiation by the applicant that it will not be visible, the applicant shall be required to submit an application for Architectural Review for the review and approval by the Planning Commission.
17. The approval of this project does not include the energization of the well. No extension of electric service is allowed as part of this permit.
18. The applicant shall notify the Current Planning Section when the work approved under this permit is completed and prior to issuance of the appropriate Environmental Health Services permits.

Environmental Health Services

19. Upon obtaining approval of the planning permits required for this project to drill a domestic water well, the applicant shall obtain a well installation permit from the Environmental Health (EH) Services for the construction of the well. The subject well shall be tested to meet quantity and quality health standards.
20. In the event that either the first or second well drilled does not meet the requisite water quality and quantity standards for domestic water use, the applicant shall properly abandon the well to the satisfaction of the EH Services. This shall have occurred prior to or concurrent with the EH Services' final certification of the well that does meet their standards, or if determined that one or both do not.
21. Upon obtaining approval of the planning permits required for this project to drill a domestic water well, the applicant shall obtain a well abandonment permit from the EH Services for the two wells approved under Planning Permit Case Number PLN 2016-00445 that were drilled in August and December 2017. The concrete slabs/pads associated with each of the prior wells shall be removed along with the abandonment.

RTA:pac – RTADD0520_WCU.DOCX

END OF THE CONSENT AGENDA

REGULAR AGENDA

9:00 a.m.

- 2. **Owner:** State of California (Caltrans and State Parks)
Applicant: Caltrans and San Mateo County
File Number: PLN 2018-00482
Location: Highway 1 at Postmile 38.0 adjacent to Gray Whale Cove State beach

Assessor's Parcel No.:Public Right-of-Way and portions of 036-380-180 (State Parks land)

Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to install pedestrian access improvements at Gray Whale Cove State Beach. This project is appealable to the California Coastal Commission. This project Application deemed complete September 3, 2019. Please direct any questions to Project Planner Michael Schaller 650/363-1849 or mschaller@smcgov.org.

COMMISSION ACTION

Staff has asked to postpone this item until the 10/23 Planning Commission hearing to give staff to answer that have been question raised regarding the Negative Declaration.

- 3. **Owner/Applicant:** Peninsula Open Space Trust
File Number: PLN 2019-00209
Location: 950 La Honda Road, unincorporated San Gregorio
Assessor's Parcel No.:081-250-020

Consideration of an Agricultural Preserve and California Land Conservation (Williamson) Act Farmland Security Zone Contract Application deemed complete July 29, 2019. Please direct any questions to Project Planner Melissa Ross at 650/599-1559 or mross@smcgov.org.

SPEAKERS

- 1. Taylor Yang, POST

COMMISSION ACTION

All Planning Commissioners unanimously voted to close the public hearing. **Motion carried 4-0-0-1.**

Commissioner Hansson moved to approve the request. Commissioner Ketcham seconded the motion. **Motion carried 4-0-0-1.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the request and recommended to the Board of Supervisors to the following:

- 1. That the Planning Commission recommend to the Board of Supervisors that it find the request to establish an Agricultural Preserve to be consistent with the County General Plan, Planned Agricultural District/Coastal Development District, the California Land Conservation Act, and San Mateo County Land Conservation Act Uniform Rules and Procedures.
- 2. That the Planning Commission recommend to the Board of Supervisors that it adopt a resolution to establish the subject property as an agricultural preserve and execute a California Land Conservation Contract for the subject property.

4. Correspondence and Other Matters

Director informed that he will resend to All 21 Elements

5. Consideration of Study Session for Next Meeting

Items for the next agenda were discussed as well as informing the Commissioners that Big Wave.

6. Director's Report

Attending another Stanford GPR meeting on 10/23 in the evening.

7. Commissioner Updates and Questions

Commissioner Ketcham asked about signage and who is being done to those folks who do not comply with the letter that were sent out, she would like some follow up at the next hearing.

8. Adjournment

Meeting was adjourned at 9:48 a.m.
