



## Planning & Building Department Planning Commission

Kumkum Gupta, 1<sup>st</sup> District  
Frederick Hansson, 2<sup>nd</sup> District  
Zoe Kersteen-Tucker, 3<sup>rd</sup> District  
Manuel Ramirez, Jr., 4<sup>th</sup> District  
Mario Santacruz, 5<sup>th</sup> District

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

### ACTION MINUTES

MEETING NO. 1650  
Wednesday July 11, 2018

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

Chair Kersteen-Tucker called the meeting to order at 9:00 a.m.

**Pledge of Allegiance:** The Pledge of Allegiance was led by Chair Kersteen-Tucker

**Roll Call:**  
Commissioners Present: Hansson, Gupta, Santacruz, Ramirez, Kersteen-Tucker  
Commissioners Absent: None  
Staff Present: Monowitz, Fox  
Staff Absent: Shu

Legal Notice published in the San Mateo County Times on June 30, 2018 and Half Moon Bay Review on July 4, 2018.

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

None

**Consideration of the Minutes** of the Planning Commission meeting of June 13, 2018. Commissioner Hansson moved for approval of the minutes and Commissioner Gupta seconded the motion. **Motion carried 5-0-0-0.**

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#### REGULAR AGENDA 9:00 a.m

- Owner:** Eugene Pastorino  
**Applicant:** Kerry Burke  
**File Number:** PLN2000-00031  
**Location:** 12511 San Mateo Road, unincorporated Half Moon Bay  
**Assessor's Parcel No:** 056-321-040

Consideration of a renewal and amendment to a Coastal Development Permit and a Planned Agricultural District Permit, pursuant to Sections 6328.4 and 6353 of the County Zoning Regulations, and adoption of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act for the construction of six (6) new Farm Labor Housing units and new septic system and the renewal of three (3) existing Farm Labor Housing units. The property is located at 12511 San Mateo Road in the unincorporated Half Moon Bay area of San Mateo County. The project is appealable to the California Coastal Commission.

**SPEAKERS**

1. Kerry Burke

**COMMISSION ACTION**

The Planning Commission unanimously voted to close the public comment. **Motion carried 5-0-0-0.**

Commissioner Santacruz moved to approve the project and Commissioner Hansson seconded the motion. **Motion carried 5-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission adopted the Mitigated Negative Declaration and renewed and amended the Coastal Development Permit and Planned Agricultural District Permit, County File Number PLN 2000-00031, by making the required findings and adopting the conditions of approval listed as follows:

**FINDINGS****For the Environmental Review, Found:**

1. That the Initial Study and Mitigated Negative Declaration are complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, as mitigated by the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment.
3. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, and identified as part of this public hearing, have been incorporated as conditions of project approval.
4. That the Initial Study and Mitigated Negative Declaration reflect the independent judgment of the County.

**For the Coastal Development Permit, Found:**

5. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7, and as conditioned in accordance with Section 6328.14 of the Zoning Regulations, conforms with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program (LCP). The plans and materials have been reviewed against the application requirement in Section 6328.7 of the Zoning Regulations and the project has been conditioned to minimize impacts to land use, agriculture, sensitive habitats, and visual resources in accordance to the applicable components of the Local Coastal Program.
6. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program.

Regarding the PAD permit, Found:

7. That the proposed and existing Farm Labor Housing units are consistent with the adopted policies and procedures for approved Farm Labor Housing.
8. That the establishment, maintenance, and conduct of the proposed use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
9. That the operation and location of the Farm Labor Housing units are consistent with applicable requirements of the Planned Agricultural District regulations.
10. That the project, as described and conditioned, conforms to the Planned Agricultural District regulations in accordance with Section 6350 of the San Mateo County Zoning Regulations. The project will not impact the agricultural activity or lands on the property or the surrounding area. The FLH units and associated utilities are located in an already disturbed area on the property. Conversion of non-Prime land will not result in a significant impact to the ongoing agricultural uses on the property. The overall area of disturbance is limited to just the area around the proposed units and utilities which keeps the remaining portion of the parcel available for agricultural usage.

**CONDITIONS OF APPROVAL**Current Planning SectionGeneral Conditions:

1. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission at the July 11, 2018 meeting. 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 to, this approval.
2. PLN 2000-00031 shall be valid for a period of ten (10) years from the date of final approval, with one 5-year administrative review. The applicant shall submit documentation for the farm labor housing units, to the satisfaction of the Community Development Director, at the time of each administrative review, which demonstrates that the occupants have a minimum of 20 hours of employment per week on this project site, or other Planning and Building Department approved farm property. This documentation shall include signed statements from the occupants and any other relevant documentation, which the Community Development Director deems necessary. Farm labor housing is a housing unit that can only be occupied by farm laborers and their immediate family members. Failure to submit such documentation may result in a public hearing to consider revocation of this permit. Renewal of the farm labor housing permit shall be applied for six (6) months prior to expiration to the Planning and Building Department.
3. The Farm Labor Housing units shall be occupied by farm laborers, as described in Condition No. 2, and their dependents only.
4. In the case of proposed changes to permitted Farm Labor Housing (FLH), the owner/applicant shall submit a written description of the proposed change to the Planning Department, and if the change is considered significant by the Community Development Director, submit a complete permit amendment application.

5. In the event that the farming operations justifying the FLH units cease, or if the FLH development is proposed to be enlarged or significantly changed, it shall be the owner's/applicant's responsibility to notify the County by letter of such change, and apply for the necessary permits to demolish the structure or use it for another permitted use. Accordingly, such notice shall identify the owner's/applicant's intention to either remove the FLH units (and associated infrastructure) or otherwise convert such improvements to that allowed by Zoning District Regulations. In either case, building permits and associated inspections by the Building Inspection Section and the Environmental Health Division shall be required to ensure that all structures have been removed, infrastructure properly abandoned, or that such converted development complies with all applicable regulations.
6. This permit does not allow for the removal of any trees. Removal of any tree with a circumference of 55 inches or greater, as measured 4.5 feet above the ground, shall require additional review by the Community Development Director prior to removal. Only the minimum vegetation necessary shall be removed to accommodate the Farm Labor Housing unit, driveway, and associated utilities.
7. Within four (4) business days of the final approval date for this project, the applicant shall submit an environmental filing fee of \$2,280.75, as required under Department of Fish and Game Code Section 711.4, plus a \$50.00 recording fee. Thus, the applicant shall submit a check, in the total amount of \$2,330.75, made payable to "San Mateo County Clerk," to the project planner to file with the Notice of Determination. Please be aware that the Department of Fish and Game environmental filing fee increases starting the 1st day of each new calendar year (i.e., January 1, 2019). The fee amount due is based on the date of payment of the fees.

Mitigation Measures from the Mitigated Negative Declaration:

8. **Mitigation Measure 1:** Any exterior lights shall be designed and located so as to confine direct rays to the subject property and prevent glare in the surrounding area. Any proposed lighting shall be reviewed and approved by the Planning Department during the building permit process to verify compliance with this condition.
9. **Mitigation Measure 2:** The applicant shall require construction contractors to implement all the Bay Area Air Quality Management District's Basic Construction Mitigation Measures, listed below:
  - a. Water all active construction areas at least twice daily.
  - b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
  - c. Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least 2 feet of freeboard.
  - d. Apply water two times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking, and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - e. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - f. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

- g. Limit traffic speeds on unpaved roads within the project parcel to 15 miles per hour.
  - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways and water ways.
  - i. Replant vegetation in disturbed areas as quickly as possible.
10. **Mitigation Measure 3:** In the event that should cultural, paleontological, or archaeological resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
11. **Mitigation Measure 4:** Prior to the issuance of the Building permit for the property, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
  - b. Minimize the area of bare soil exposed at one time (phased grading).
  - c. Clear only areas essential for construction.
  - d. Within five (5) days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative Best Management Practices (BMPs), such as mulching, or vegetative erosion control methods, such as seeding. Vegetative erosion control shall be established within two (2) weeks of seeding/planting.
  - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and to control dust.
  - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.

- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
  - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
  - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
  - j. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acres or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
  - k. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved erosion control plan.
  - l. No erosion or sediment control measures will be placed in vegetated areas.
  - m. Environmentally sensitive areas shall be delineated and protected to prevent construction impacts.
  - n. Control of fuels and other hazardous materials associated with construction.
  - o. Preserve existing vegetation whenever feasible.
12. **Mitigation Measure 5:** All structures located in the Floodplain shall meet the latest adopted California Building Standards. An elevation certificate will be required from a licensed surveyor.
13. **Mitigation Measure 6:** 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).
14. **Mitigation Measure 7:** Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources shall be taken prior to implementation of the project.
15. **Mitigation Measure 8:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.
16. **Mitigation Measure 9:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the

resource including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

17. Prior to the issuance of the building permit, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Planning and Building Department for review and approval.

#### Building Inspection Section

18. A building permit is required and shall be applied for and obtained prior to the commencement of any construction or staging activities.

#### Environmental Health Division

19. At the building application stage, the applicant will need to have the septic system staked out by a septic professional and field verified by the Environmental Health Division. Also, the septic plans will need to accurately delineate and properly label the percolation test numbers to reflect the completed perc data dated August 17, 2016 and August 18, 2017.

#### Coastside Fire Protection District

20. Smoke Alarm/CO detectors are to be hard wired, interconnected with battery backup. Location to meet Chapter R314 of the 2013 CRC.
  21. Address numbers shall be 4 inches in height with a minimum 3/4-inch stroke and shall be internally illuminated 6 feet above finish grade and numbers to be posted in a conspicuous place and visible from the street.
  22. Fire hydrant to have a minimum fire flow of 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) and be within 500 feet of units.
  23. For roads approved less than 20 ft. in width, 20 ft. wide turnouts shall be on each side of the road shall be provided on slopes of 15% or greater. No grades over 20% percent are allowed.
  24. Emergency access roads shall be designed and maintained to support the imposed load of a fire apparatus weighing at least 75,000 lbs. and shall have a minimum of 2-inch asphalt surface providing all-weather driving capabilities. Certification by a civil engineer may be required. Grades of less than 15% shall be surfaced with a minimum Class 2 aggregate base with 95% compaction and an asphalt surface. Grades of 15% to 20% shall require a non-skid asphalt or concrete surface, or equivalent. Grades 15% to 20% shall be limited to 150 feet in length.
  25. Roof assembly shall have a minimum Class A fire rating.
  26. While fire sprinklers are not required for mobile homes, the Coastside Fire Protection District Fire Marshal recommends the installation of fire sprinklers in all new mobile and manufactured homes.
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- 2. **Owner:** Richard Rogers  
**Applicant:** James Rogers  
**File Number:** PLN2016-00195; PLN2016-00197  
**Location:** 4448 La Honda Road, unincorporated San Gregorio  
**Assessor’s Parcel No:** 082-120-050

Consideration of 1) a Planned Agricultural Permit and Coastal Development Permit, pursuant to Sections 6353 and 6328.4 of the San Mateo County Zoning Regulations, to allow for operation of a construction equipment and materials storage use (associated with VIO2015-00056) 2) an After-the-Fact Grading Permit, pursuant to Section 9283 of the Grading Regulations, for unpermitted grading performed in January 2015 (associated with VIO2015-00056) related to construction/upgrade of private access roads 4448 La Honda Road, San Gregorio. The CDP is appealable to the California Coastal Commission.

**SPEAKERS**

- 1. Rich Sampson
- 2. Michelle Lester
- 3. James Rogers
- 4. Lennie Roberts

**COMMISSION ACTION**

The Planning Commission unanimously voted to close the public comment. **Motion carried 5-0-0-0.**

Commissioner Ramirez moved to approve the project and Commissioner Hansson seconded the motion. **Motion carried 4-1-0-0.** (Commissioner Santacruz, voted no)

Based on information provided by staff and evidence presented at the hearing, the Planning Commission denied the after-the-fact Grading Permit (County File Number PLN2016-00195) and after-the-fact Planned Agricultural Permit (PAD) and Coastal Development Permit (CDP) (County File Number PLN2016-00197), by making the findings listed as follows:

**FINDINGS**

Regarding the Environmental Review, Found:

- 1. That the proposed project is exempt from environmental review pursuant to Section 15270 (Projects Which are Disapproved) of the California Environmental Quality Act (CEQA) Guidelines which exempts projects that would be denied by the Lead Agency.

Regarding the After-the-Fact Coastal Development Permit, Found:

- 2. That the project, as described in the application and accompanying materials required by Section 6328.7, does not conform with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program. The plans and materials have been reviewed against applicable LCP Policies, which regulate the location of new development, the protection of sensitive habitat, and development on Prime Soils and Lands Suitable for Agriculture. Regarding the location of development and sensitive habitat, the manner and location in which the ‘horseshoe road’ was constructed in close proximity to San Gregorio Creek, the dumping of sediment, trash, and debris into the creek, and the manner in which the owner conducts the proposed use has resulted in adverse environmental impacts at the subject parcels which have already occurred, continue to



occur, and will likely worsen with time, as described in the CDFW Report. Regarding development on Prime Soils and Lands Suitable for Agriculture, the location of the ‘horseshoe road’ on Prime Soils and Lands Suitable for Agriculture and the location of the proposed construction equipment and materials storage use on Lands Suitable for Agriculture do not meet the required criteria, including those requiring maintaining water quality.

3. That the project does not conform to specific findings required by policies of the San Mateo County Local Coastal Program. As discussed in Section A.2 of the staff report and Finding 2 above, the project, as proposed, is not in compliance with applicable LCP Policies.

Regarding the After-the-Fact Planned Agricultural (PAD) Permit, Found:

4. The proposal does not meet the substantive criteria for the issuance of a PAD Permit, in particular criteria requiring development to be located, sited, and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site, and its surrounding is maintained to the maximum extent practicable. Grading, vegetation removal, and in-stream work associated with the construction/improvement of the ‘horseshoe road’ which runs alongside the creek and the manner in which the owner has conducted the proposed construction equipment and materials storage use has impacted San Gregorio creek and associated riparian areas.

Regarding the After-the-Fact Grading Permit, Found:

5. That the granting of the permit will have a significant adverse effect on the environment. As described in the staff report, the grading activities associated with the construction of the “horseshoe road” have caused significant environmental impacts to San Gregorio Creek, associated habitat, and fish and wildlife.
6. That the project does not conform to the criteria of Chapter 8, Division VII, of the San Mateo County Ordinance Code, including the standards referenced in Section 9296. As described in Section 4.b (1) of the staff report, the geotechnical measures implemented by the applicant are not adequate to properly stabilize the roadway alignment. To stabilize the roadway alignment, the large active landslide (Area F on Attachment D of the staff report) that is moving beneath the roadway would need to be stabilized.
7. That the project is not consistent with the General Plan. As described in Section 1 of the staff report, the project does not comply with General Plan policies establishing development standards to minimize land use conflicts with agriculture nor policies pertaining to the protection of sensitive habitat.

3. **Correspondence and Other Matters**

None

4. **Consideration of Study Session for Next Meeting**

Director updated the Commissioners on items that have gone to the Board of Supervisors. No study session is recommended for next meeting.

5. **Director’s Report**

The next meeting is on July 25, 2018 will have two items on the agenda.

Director informed the Commissioners that both the Tree Regulations and the Connect the Coastside items are underway and updates will be brought to them soon.

6. **Commissioner Updates and Questions**

Commissioner Hansson suggested we hold a study session on all Design Review Guidelines, Director Monowitz will make this part of a future study session.

7. **Adjournment**

Meeting adjourned at 11:30 a.m.

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