



Planning & Building Department Planning Commission

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

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

ACTION MINUTES- DRAFT

MEETING NO. 1725

Wednesday July 27, 2022

VIDEOCONFERENCE ONLY

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

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

Roll Call: Commissioners Present: Hansson, Ketcham, Vice Chair Gupta, Serrano Quan
Commissioners Absent: Ramirez
Staff Present: Monowitz, Fox, Montes

Legal notice has been published in the San Mateo Times on July 16, 2022 and the Half Moon Bay Review on July 20, 2022.

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

None

CONSENT AGENDA

9:00 a.m.

1. **Consideration of the Minutes of the Planning Commission Hearing for June 22, 2022 and July 13, 2022.**
2. **Resolution to Make Findings that, as a Result of the Continuing Covid-19 Pandemic State of Emergency Declared by Governor Newsom, Meeting in Person for Meetings of the Planning Commission Would Present Imminent Risks to the Health or Safety of Attendees**

SPEAKERS:

None

COMMISSIONER ACTION

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

REGULAR AGENDA

9:00 a.m.

- 3. **Owner/Applicant:** Charles Floyd
- File Number: PLN2002-00727
- Location: La Honda Road, San Gregorio
- Assessor's Parcel No: 082-130-250

Consideration of a Development Permit, a Planned Agricultural District Permit, and adoption of a Mitigated Negative Declaration to drill a domestic water well for a future single-family residence. Minimal grading, no tree removal and minimal vegetation removal is proposed. The project is appealable to the California Coastal Commission. Application deemed complete on June 8, 2021. Please direct questions to at Olivia Boo at oboo@smcgov.org.

SPEAKERS:

- 1. Charles Floyd, Owner/Applicant
- 2. Lennie Roberts

COMMISSIONER ACTION

All Commissioners in favor to close the public hearing.

Commissioner Ketcham moved to approve the project, making the findings, and adopting the conditions of approval. Commissioner Hansson seconded and approved the project with additional conditions of approval as follows: **Motion carried 4-0-0-1.**

FINDINGS

Regarding the Mitigated Negative Declaration, Found:

- 1. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
- 2. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
- 3. 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 will have a significant effect on the environment.
- 4. That the mitigation measures in the Mitigated Negative Declaration and agreed to by the owner and placed as conditions on the project have been incorporated into the project conditions of approval and shall serve as the Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit, Found:

- 5. 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 as described in the staff report to the Planning Commission dated July 27, 2022.

6. That the project is not located between the nearest public road and the sea and therefore is not subject to the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).
7. 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, the domestic well is conditionally permitted with the issuance of a Planned Agricultural District permit, the project will be located in an area that has been defined as "Other Lands," and that the project converts only a small portion of the parcel leaving the remaining undisturbed area available for agricultural uses. In addition, the project is not visible from scenic roadways or corridors, does not result in a significant change to natural landforms, and will not impact coastal resources and sensitive habitats.

Regarding the Planned Agricultural Permit, Found:

General Criteria

8. That the encroachment of all development upon land, which is suitable for agricultural use, is minimized. The proposed well results 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.
9. That all development permitted on a site be clustered. The parcel is undeveloped, thus the domestic well cannot be clustered with any existing structures. Should the applicant pursue development for a single-family residence, the project will be required to cluster the development near the domestic well, to the extent feasible.
10. 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, Section 6324.2 and Section 6325.2, which addresses the potential for environmental impacts, site design criteria and primary fish and wildlife habitat areas criteria, as the project will seek to cluster development, minimize grading, 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, and locate development so that it is subordinate to the pre-existing character of the area.

Water Supply Criteria

11. That the existing availability of potable and adequate on site well water source for non-agricultural uses is demonstrated.
12. That adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished. There is no existing or currently proposed agriculture use on the property. The proposed domestic well has been reviewed by Environmental Health Services and received preliminary approval. The proposed project would not preclude or limit the owner's ability to pursue agricultural well water on the property should the owner establish on agricultural use on the property.

Criteria for the Conversion of Other Land

13. That all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable. The three potential locations for the one proposed well location were chosen based on constraints of the parcel size and the potential plans to develop a future single-family residence if domestic well is found. The proposed wells will have minimal footprint. The size of the parcel is small in scale which limits options of agricultural viability, including limited grazing options. However, the

domestic well project will leave the remainder of the parcel available for agriculture use if future agricultural use is pursued.

14. That the continued or renewed agricultural use of the soil is not capable of being accomplished in a successful manner within a reasonable period of time, considering economic, environmental, social and technological factors. The proposed wells will convert only a small portion of the parcel leaving the majority of the parcel available for continued agricultural uses.
15. That clearly defined buffer areas are provided between agricultural and non-agricultural uses. Other than the proposed domestic well, the property will continue to be available for future agriculture use.
16. That the productivity of adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing. Given the small area impacted for the well locations, no impact is expected on the agriculture availability of the parcel. If the applicant proposed future grazing, the parcel would be available for grazing of 1-2 cows, based on the size of the parcel.
17. That the public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality. The proposed well does not require public services or facility expansions. The domestic well is intended to serve a future single-family residence if water is found that meets domestic standards. A preliminary review by the County's Environmental Health Services found that the proposed plans are in compliance with the current health standards, and thus poses 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 July 27, 2021. 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 final approval, in which time a well permit shall be issued. Any extension of these permits shall require submittal of a written request for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. The applicant shall include an erosion and sediment control plan to comply with the County's Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
4. The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:
 - a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
 - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - c. Performing clearing and earth-moving activities only during dry weather.

- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
 - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - f. Control and prevention of 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.
 - g. Use of sediment controls or filtration to remove sediment when dewatering the site and obtain all necessary permits.
 - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilization of designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
 - m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
 - n. 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.
5. This permit does not allow for the removal of any trees. Removal of any tree with a diameter equal to, or greater than, 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
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 County Ordinance Code Section 4.88.360).
7. The amount of time during which the steel plates remain over the on-site drainage channel shall be kept to the minimum necessary to conduct the testing and install the well. The steel plates shall be removed from the site immediately upon completion of the project, and no later than 30 days after the well is installed.
8. In order to demonstrate long term water supply sustainability for the property, pump testing shall be conducted in the dry season (May 1 – Sept 30).

Mitigation Measures

9. **Mitigation Measure 1:** The applicant shall require construction contractors to implement all the Bay Area Air Quality Management District's Basic Construction Mitigation Measures, listed below:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485, of the California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- Also, see the discussion to Question 8.a. (Climate Change: Greenhouse Gas Emissions), relative to the project's compliance with the County Energy Efficiency Climate Action Plan.
10. **Mitigation Measure 2:** A pre-construction grading survey within the Study Area crossing is required prior to the commencement of ground disturbance activity to avoid impacts to the San Francisco dusky-footed woodrat. The pre-construction grading survey shall be prepared by a qualified biologist prior to any work, no longer than 48 hours in advance of the start of work. If work is delayed or if work is moved to another area, an additional preconstruction grading survey is required, this is required to avoid potential impacts to the Woodrat. The applicant and engineer shall work with WRA for proper placement of the steel plates to ensure the placement and stability of the area to support the equipment crossing is truly adequate to avoid impacts.
11. **Mitigation Measure 3:** If woodrat nests are observed within the project area outside of the breeding season (February to July) the project biologist may dismantle the nest (outside of the breeding season), allowing individuals to relocate to suitable habitat within the adjacent open space area.
12. **Mitigation Measure 4:** If woodrat nests with young are observed within the project site, an exclusion fence shall be erected around the nest site. The fencing shall provide adequate enough area to provide foraging habitat for the woodrats at the discretion of the project biologist. Site preparation (i.e., grubbing and grading) within the fenced area shall be postponed or halted until young have left the

nest. A biological monitor shall be onsite during periods when disturbance activities occur near the active nest to ensure no inadvertent impacts will occur to the nests.

13. **Mitigation Measure 5:** In the event that cultural, paleontological, or archaeological resources are 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. In addition, an archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred.
14. **Mitigation Measure 6:** If a newly discovered resource is, or is suspected to be, Native American in origin, the resource shall be treated as a significant Tribal Cultural Resource, pursuant to Public Resources Code 21074, until the County has determined otherwise with the consultation of a qualified archaeologist and local tribal representative.
15. **Mitigation Measure 7:** In the event of discovery or recognition of any human remains during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The applicant shall then immediately notify the County Coroner's Office and possibly the State Native American Heritage Commission to seek recommendations from a Most Likely Descendant (Tribal Contact) before any further action at the location of the find can proceed. All contractors and sub-contractors shall be made aware of these requirements and shall adhere to all applicable laws including State Cultural Preservation laws. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
16. **Mitigation Measure 8:** Prior to commencement of the project, the application 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 pollutant 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 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 plans shall adhere to the San Mateo County Wide Stormwater Pollution Prevention Program "General Construction and Site Guidelines," including:
 - a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
 - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - c. Performing clearing and earthmoving activities only during dry weather.

- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
 - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - f. Control and prevention of 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.
 - g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
 - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilization of designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
 - m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
 - n. 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.
17. **Mitigation Measure 9:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall cease until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resources in place or minimize adverse impacts to the resource. Those measures shall be approved by the County Planning Department prior to implementation and prior to continuing any work associated with the project.
18. **Mitigation Measure 10:** 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.

Environmental Health Services

- 19. Applicant must submit application, applicable fees, site plan, and approved CDP directly to Environmental Health Services to obtain a well drilling permit. Application and associated fees can be found on the website at <https://www.smchealth.org/landuse>.

4. **Correspondence and Other Matters**
None

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

Next meeting has been cancelled; next meeting will be 8/24

6. **Director's Report**

Update on the Board of Supervisors hearing on 7/26 as they approved the Palmer Rezone in North Fair Oaks and the Connect the Coastside Comprehensive Transportation Plan.

In addition, the Zmay project will be heard at the September 13, 2022 meeting, Online meeting update and the Director will communicate with the Commission once we know more.

7. **Commissioner Updates and Questions**

Commissioner Ketcham asked more information on the Cypress Point Affordable Housing in Moss beach and the impact and process since a lawsuit has been filed.

Unless the Court tells us to stop, the County will proceed with the permit application process.

8. **Adjournment**

Meeting adjourned at 9:56 AM
