



Planning & Building Department Planning Commission

William Wong, 1st District
David Bomberger, 2nd District
Chris Ranken, 3rd District
Gail Slocum, 4th District
Steve Dworetzky, 5th District

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

Action Minutes

MEETING NO. 1499

Wednesday, December 9, 2009

At College of San Mateo Theatre, located at 1700 West Hillsdale Boulevard, San Mateo

Vice-Chair Bomberger called the meeting to order at 7:10 p.m.

1. **Pledge of Allegiance:** The Pledge of Allegiance was led by Vice-Chair Bomberger.
2. **Roll Call:** Commissioners Present: Bomberger, Dworetzky, Slocum, Wong
Commissioners Absent: Ranken
Staff Present: Grote, Nibbelin, Shu

Legal notice published in the San Mateo County Times on November 28, 2009.

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

None.

4. **Consideration of the Minutes** of the Planning Commission meeting of November 18, 2009, 2009.

Commissioner Dworetzky moved, and Commissioner Slocum seconded, that the minutes be approved as submitted. Motion carried **4-0-0-1** (*Commissioner Ranken absent*).

Commissioner Wong moved for approval of the Consent Agenda, Item 5, and Commissioner Slocum seconded the motion. Motion carried 4-0-0-1 (Commissioner Ranken absent), approving items as follows:

CONSENT AGENDA

5. **Owners/Applicants:** John and Maureen Giusti
File No.: PLN2008-00077
Location: 318 Verde Road, Half Moon Bay
Assessor's Parcel No.: 066-270-020

Consideration of a Coastal Development Permit and a Planned Agricultural District Permit for Farm Labor Housing, pursuant to Sections 6328.4 and 6353, respectively, of the San Mateo County Zoning Regulations, and certification of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, to allow the construction of a new 2,740 sq.ft. modular home to be used as a farm labor housing unit, a new septic system and legalization of an existing ranch duplex used as two Farm Labor Housing Units, located at 318 Verde Road in the unincorporated Half Moon Bay area of San Mateo County. This project is appealable to the California Coastal Commission. Application filed March 6, 2008. PROJECT PLANNER: Stephanie Skangos Telephone: 650/363-1814.

Attachment A

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2008-00077

Hearing Date: December 9, 2009

Prepared By: Stephanie Skangos, Project Planner

Adopted By: Planning Commission

FINDINGS

Regarding the Negative Declaration, Found:

1. That the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines. The public review period for this document was April 9, 2009 to April 29, 2009.
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 will have a significant effect on the environment. The Initial Study/Negative Declaration does not identify any significant or cumulative impacts associated with this project.
3. That the Negative Declaration reflects the independent judgment of San Mateo County. The Negative Declaration was prepared by the project planner.
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 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 with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP) as the plans and materials have been reviewed against the application requirements, staff has completed an LCP Policy Checklist, and the project has been conditioned in accordance with the Locating and Planning New Development, Agriculture, Sensitive Habitats and Visual Resources Components of the Local Coastal Program.
6. The project conforms to the specific findings required by the policies of the LCP with regard to the Locating and Planning New Development, Agriculture, Sensitive Habitats and Visual Resources Components. Specifically, the project conforms with the permitted uses and conversion of prime agricultural land designated as agriculture and the design criteria for rural parcels located within State and County Scenic Corridors.

Regarding the Planned Agricultural District Permit, Found:

7. That the proposed project, as described in the application and accompanying materials, complies with all applicable criteria for issuance of a Planned Agricultural District (PAD) Permit contained in Section 6355 of the County Zoning Regulations. The project complies with the criteria, as there are no alternative locations on the parcel for the proposed structures since the entire site consists of prime soils and is currently being used for agricultural production, including the cultivation of Brussels sprouts and peas and the grazing of livestock. The location of the proposed farm labor housing units are within an existing developed agricultural center, which is not used for agricultural production, nor is it viable for such use. As the agricultural center is set apart and distinguished from the location of agricultural production on the property, implementation of the new farm labor housing unit and legalization of the existing ranch house duplex as farm labor housing will not decrease the current production or affect the potential for future agricultural use of the land. Water supplies for agricultural production on the property are not diminished by implementation of the new farm labor housing unit, as water is to be obtained from Purissima Creek, for which domestic water rights have been obtained.
8. That the proposed project, as described in the application and accompanying materials, complies with the procedural criteria for issuance of a PAD Permit contained in Section 6361 of the County Zoning Regulations. An agricultural land management plan has been submitted in conjunction with the project, reviewed by staff and found to be compliance with the requirements and criteria of the PAD Zoning District.

CONDITIONS OF APPROVALCurrent Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Planning Commission on December 9, 2009. Minor revisions or modifications may be approved by the Community Development Director if they are consistent with the intent and in substantial conformance with this approval.

2. The permits shall be valid for a five-year period and will expire on December 9, 2014. If the applicant or owner wants to renew the permit, he or she shall submit a complete permit renewal application form to the Planning and Building Department at least six months prior to the date of expiration.
3. The PAD Permit is subject to two administrative reviews in December 2010 and December 2012, to ensure compliance with the conditions of approval. The applicant shall submit signed "certification of farm labor housing eligibility" forms, which demonstrate that the occupants are bona fide farm laborers and their dependents.
4. The Current Planning Section staff may, upon the recommendation of the Agricultural Advisory Committee, elect to conduct additional reviews beyond the above required administrative review. At that time, the applicant shall submit documentation, to the satisfaction of the Community Development Director, which demonstrates that the occupants are bona fide farm laborers. Failure to submit such documentation may result in a public hearing to consider revocation of this permit.
5. To the extent that there is any conflict between the San Mateo County Ordinance Code and the Conservation Easement Agreement entered into with the Peninsula Open Space Trust, the provisions of the San Mateo County Zoning Ordinance shall take precedence over such agreement.
6. If the applicant applies for a PAD Permit to construct a future permanent residence, the applicant shall concurrently resubmit an application for farm labor housing to the farm labor housing Certificate of Need Committee and the Agricultural Advisory Committee for their recommendation regarding renewal.
7. The farm labor housing units shall only be occupied by farm workers and their families.
8. The new modular farm labor housing unit shall have no permanent foundation in accordance with adopted County Policies.
9. A new operator, a change in operations, or a proposed increase in the number of units requires that the applicant (or the new operator) shall apply for and receive a new Certificate of Need if the units will continue to be utilized.
10. At the time of termination of the permit for farm labor housing, the modular home and supporting utilities shall be removed from the temporary homesite and the applicant shall confirm in writing to the Community Development Director that the unit has been removed.
11. In the event that the ranch house is no longer needed for farm laborers, the structure shall either be converted to a non-habitable use or be used as the primary residence on the property, subject to all applicable building and zoning regulations and application requirements.
12. The applicant shall apply for and be issued a building permit prior to the start of installation of the farm labor housing unit.

13. The applicant shall comply with all requirements of the San Mateo County Geotechnical Section during the building permit phase of the project.
14. A Certificate of Compliance Type A shall be recorded to legalize the subject parcel prior to the issuance of a building permit for the new FLH unit for this project.
15. Prior to the beginning of any construction or grading activities, the applicant shall implement an 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 15 and April 15. 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 stormwater.
 - 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 applications 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 subcontractors regarding the construction best management practices.

- m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.
16. The applicant is responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. Failure to comply with the construction BMPs will result in the issuance of the correction notices, citations or a project stop order.
 - a. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.
 - b. Where subsurface conditions allow, the roof downspout systems from all structures shall be designed to drain to a designated, effective infiltration area or structure (refer to BMPs Handbook for infiltration system designs and requirements).
 17. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
 18. 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.
 19. The applicant shall use colors and materials for the proposed farm labor housing unit that blend in with and complement the surrounding natural environment. The applicant shall submit the proposed colors and materials to the Planning Department for review and approval. Prior to final Planning approval of the building permit for this project, the applicant shall submit photos of the completed structure to the Planning Department to verify that the approved colors and materials have been implemented.
 20. Proposed new utility lines shall be installed underground from the nearest existing utility pole.
 21. All exterior and interior lighting for the approved unit shall be designed and located so as to confine direct rays to the subject property and prevent glare in the surrounding area. Proposed lighting shall be reviewed and approved by the Planning Department during the building permit process to verify compliance with this condition.
 22. The applicant shall submit a landscaping plan at the time of the building permit application for review and approval by the Planning Department. The landscaping plan shall include natural screening to minimize the visibility of the approved structure from the adjacent scenic roadways. Prior to final Planning approval of the building permit for this project, the applicant shall submit photos of the completed landscaping to the Planning Department to verify that the approved landscaping plan has been implemented.
 23. No trees are permitted to be removed as part of this approval. If any tree is proposed for removal, the applicant shall be required to obtain approval of a tree removal permit for the

proposed removal of any tree with a diameter greater than 12 inches as measured 4.5 feet above the ground.

24. Any existing significant and heritage trees adjacent to construction areas shall be protected. The applicant shall establish and maintain tree protection zones which shall be delineated using a 4-foot tall orange plastic fencing supported by poles pounded into the ground, located as close to the tree driplines as possible while still allowing room for construction to safely continue. The applicant shall maintain tree protection zones free of equipment and material storage and shall not clean any equipment within these areas. Should any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist prior to cutting. Any root cutting shall be monitored by an arborist and documented.

Building Inspection Section

25. A building permit shall be required for all new development.
26. Fire sprinklers shall be required.

Environmental Health Department

27. At the building application stage for the farm labor unit, the applicant shall obtain a permit to install the septic system meeting Environmental Health Standards.

Department of Public Works

28. A drainage analysis shall be required during the building permit stage.

Coastside Fire Protection District

29. Addressing: Existing structure is required to have a contrasting 4" high address sign on the structure facing the direction of fire access (Verde/Purissima Creek). The new structure will require an internally illuminated address sign with 4" contrasting letters. Due to the setback from the street an additional reflective address sign shall be installed at the street/driveway entrance. This sign shall be a Hy-Ko 911 16" x 8" reflective green with white 3" letters or equivalent.
30. Road access to the new structure will require a minimum of 6" of compacted Class II base rock engineered to support the imposed load of the fire apparatus. This road will be a minimum of 20' wide for Verde to the structure.
31. The new structure is required to have smoke detectors installed in every bedroom, and in the corridor outside the bedrooms. These smoke detectors will be hardwired, interconnected and have battery backup.
32. Water supply: The new structure will be required to have a Draft Hydrant installed, fed from a minimum 7,000 gallon water tank. See the Coastside Fire District standard for installation details.

33. This residential structure will be required to be equipped with a NFPA 13D Fire Sprinkler system.

END OF THE CONSENT AGENDA

**REGULAR AGENDA
7:00p.m.**

6. **Owner:** John O'Rourke
Applicant: San Mateo Real Estate and Construction
File No.: PLN2002-00517
Location: San Mateo Highlands
Assessor's Parcel Nos: 041-111-130; 041-111-160; 041-111-270; 041-111-280; 041-111-320
And 041-111-360

Consideration of a Major Subdivision, pursuant to Section 7010 of the County Subdivision Ordinance and the State Subdivision Map Act, a Grading Permit, pursuant Section 8600 of the San Mateo County Ordinance Code, and certification of a Final Environmental Impact Report (FEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed Ascension Heights Subdivision located in the unincorporated San Mateo Highlands area of San Mateo County. The project includes the subdivision of the 13.25-acre subject site into 27 legal parcels for development of 25 single-family dwellings, a proposed conservation area (lot A), and "tot-lot" (lot B), which includes a main private access road, and an Emergency Vehicle Access road to provide additional fire access. The project site is accessed from Bel Aire Road north of Ascension Drive. Application filed August 28, 2002. PROJECT PLANNER: James A. Castañeda. Telephone: 650/363-1853.

SPEAKERS:

1. Gerard Ozanne, M.D.
2. Angela Stricklzy
3. Robert Stricklzy
4. Craig Nishizaki
5. Douglas Heiton
6. Donald Nagle
7. Clayton Nagle
8. Harris Dubrow
9. Pat Dubrow
10. Gilma Walker
11. Caron and Noam Tabb
12. Marilyn Haithcox
13. Pat Dubrow
14. Ara Jabaghourian
15. Carol McGraw
16. Dr. Robert Snow
17. Russ Wright

18. Ted Glasgow
19. Suzanne Kennedy
20. Sam Naifeh
21. Terence Day
22. Steve Simpson
23. Michael Hann
24. Bob Dobel
25. Eugene Ciranni
26. Alissa Reindel
27. Michele Pilgrim
28. Barbara Mikulis
29. T. Jack Foster
30. Stelon Delorenzi
31. Carol Henton
32. Rosemarie Thomas
33. John Shroyer
34. Wendy Z. Browne
35. Kim Ricket
36. Frank Shissler
37. George Mitroff
38. Peter B. Pitkin
39. Gary Ernst
40. Kirk McGowan
41. Scott Miller
42. Anastassia Nagle
43. Robert Snow
44. Ted Sayre
45. Barbara Bailey

COMMISSION ACTION:

Commissioner Slocum moved and Commissioner Wong seconded to close the public hearing. Motion carried 4-0-0-1 (*Commissioner Ranken absent*).

Re-open the public hearing after a short break: Commissioner Bomberger moved and Commissioner Slocum seconded to re-open the public hearing again. Motion carried 4-0-0-1 (*Commissioner Ranken absent*) to hear additional comments and responses to questions. Commissioner Slocum moved and Commissioner Wong seconded to close the second public hearing. Motion carried 4-0-0-1 (*Commissioner Ranken absent*).

After receiving answers to questions from staff and the application applicant, the Commissioners expressed various concerns that had not been overcome or answered by the information on which a decision must be made. Primary among these were Commissioner Bomberger's and Slocum's concern that the project as proposed was requesting the creation of new subdivision for lots that did not appear to conform with General Plan Policy 15.20.b. (Wherever possible, avoid construction on steeply sloping areas (generally above 30%), to whenever possible avoid construction on steeply (greater than 30%) sloping areas (which had been shown to be a significant impact under the DEIR)). The

Commissioners, including Commissioner Wong, expressed a related concern regarding geotechnical and drainage/erosion impacts from building over a 5--year period on these proposed lots. Commissioner Slocum also expressed concerns about General Plan provisions regarding visual impacts in scenic corridors, which could be seen as resulting from building numerous 3-story buildings of over 36 feet in total height on the proposed lots on the steep south facing slope. Also, Commissioner Dworetzky expressed concern that there appeared not to have been any recent outreach to or collaboration with the surrounding community by the applicant.

Commissioner Slocum moved and Commissioner Wong seconded the following motion below. Motion carried 4-0-0-1(Commissioner Ranken absent).

Based on information provided by staff and evidence presented at the hearing, the Planning Commission denied (4-0) the following:

1. A resolution certifying the Final Environmental Impact Report (FEIR) as complete, correct and adequate and prepared in accordance with CEQA.
2. A resolution adopting a Statement of Overriding Considerations.
3. A resolution adopting the Mitigation Monitoring Report and the Statement of Findings and Facts in Support of Findings.
4. The vesting tentative map for a major subdivision, the grading permit, and the removal of four significant trees by making the findings and adopting the conditions of approval as set forth in Attachment A.

The Planning Commission's motion also directed the applicant to meet with the community to seek a design that does not build on the steep south facing slope of the site and directed staff to assist as appropriate.

In addition, to provide guidance to the applicant to aid in -any further efforts to modify the proposal, the Planning Commission encouraged the applicant to: 1) provide more moderate-sized housing, 2) address the concerns about avoiding building on the steep south facing slope, and 3) develop a new design that could minimize negative impacts.

Commissioner Slocum distributed an illustrative drawing depicting a potential approach to a redesign that would appear to avoid the significant impacts identified in the Draft EIR and address many of the remaining concerns expressed by the community by avoiding development and new roads with and retaining walls on the steep south facing slope but yet allow for development of approximately 18 – 19 homes on more modest sized lots on the flatter areas of the site. (See attached.)

7 Correspondence and Other Matters

Director Grote reported that she will be attending the Coastal Commission meeting in San Francisco along with other staff from Long Range including Steve Monowitz and County Counsel John Nibbelin

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

Director Grote reported the next Study Session will be on January 27, 2010 from 8-9 a.m. and if needed after the regular meeting.

9. **Director's Report**

1. December 1, 2009 the Board of Supervisors approved the final recommendations on the Local Coastal Program Update.
2. Two meetings will be held in January next year, January 13 (Highlands) and January 27, 2010 (Housing Element and other items).

10. **Adjournment**

The meeting adjourned at 11:15 p.m.