



Planning & Building Department Planning Commission

Laurie Simonson, 1st District
Frederick Hansson, 2nd District
Zoe Kersteen-Tucker, 3rd District
Manuel Ramirez, Jr., 4th District
Steve Dworetzky, 5th District

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

Action Minutes

DRAFT

MEETING NO. 1593

Wednesday, February 25, 2015

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

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

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

Roll Call: Commissioners Present: Hansson, Kersteen-Tucker, Ramirez, Simonson
Commissioners Absent: Dworetzky
Staff Present: Monowitz, Fox, Shu

Legal notice published in the San Mateo County Times on February 14, 2015 and in the Half Moon Bay Review on February 18, 2015.

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

Eva Orbuch, Innovate Public Schools

Consideration of the Minutes of the Planning Commission meeting of February 11, 2015.

Commissioner Ramirez moved, and Commissioner Hansson seconded, that the minutes be approved as submitted. Motion carried 3-0-1-1 (Kersteen-Tucker abstained, Dworetzky absent).

REGULAR AGENDA 9:00 a.m.

- Owner:** County of San Mateo
Applicant: San Mateo County Department of Public Works
File No.: PLN2014-00302
Location: Adjacent to 101 7th Street, Montara

APN: Public R-O-W, adjacent to 036-057-240

Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for the removal of a portion of a legal fence within the public right-of-way and installation of a metal guard rail. This project is appealable to the California Coastal Commission. Application deemed complete January 7, 2015.

SPEAKERS:

1. Lisa Ketcham
2. Mary Larenas
3. Laura Stein
4. Russell Townsend
5. Karen Wilson
6. Dave Olson
7. Kathryn Slater-Carter
8. Len Erickson
9. Kristen Keith
10. Lennie Roberts

COMMISSION ACTION:

Commissioner Hansson moved and Commissioner Ramirez seconded to close the public hearing.

Motion carried 4-0-0-1.

Commissioner Hansson moved to approve the project. The fence will be replaced with a series of bollards instead of a guardrail. The existing Condition 3 will be replaced by a Condition stating that the bollards will comply with the standards of the Department of Public Works. Commissioner Kersteen-Tucker 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, making the findings and adopting conditions of approval as follows:

FINDINGS:

Regarding the Environmental Review, Found:

1. That this project is categorically exempt pursuant to Section 15301 of the California Environmental Quality Act, consisting of the repair of existing public or private structures involving negligible or no expansion of use.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and, and as modified at the public hearing, 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 as discussed in the staff report under Section A.2, including protection of biological resources.
3. Where the project is located between the nearest public road and the sea, that the project is in conformity with 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). As discussed in the staff report, there is no physical constraint that prevents any member of the public from accessing the

area behind the existing fence. However, the presence of the fence could lead a casual observer to conclude that this area is private property and off limits to the public. Removal of a portion of the fence will eliminate this perception and increase the public's visual access to the coast.

CONDITIONS OF APPROVAL:

Current Planning Section

1. This approval applies only to the proposal, as modified at the public hearing, documents and plans described in this report and submitted to and approved by the Planning Commission at the February 25, 2015 meeting. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees 60 days prior to expiration.
3. The applicant shall install bollards that comply with Department of Public Works standards.

Measures Proposed by Applicant

4. Project will begin when the forecast shows 3-day period of dry weather. If rain is forecasted within 30 days following application of concrete, a commercial sealant will be applied to the concrete to prevent impacts to water quality.
 5. Erosion control Best Management Practices (BMPs) shall be implemented as needed. Specifically, a sandbag berm will be temporarily installed around the adjacent culvert inlet to prevent any sediment from entering into drainage system. The sandbag berm will be removed once the project has been completed and the concrete has fully cured.
 6. Openings will be covered at the end of the work day so as to avoid inadvertently trapping wildlife.
 7. Pre-construction briefing of all personnel involved in the project by a qualified biologist including sensitive species training and BMPs implementation.
 8. Project construction shall be preceded by a pre-construction survey by a qualified biologist to identify and prevent impacts to rare plants, special status species, nesting birds, and water quality.
 - a. Rare plants will be identified using high visibility flagging and a 15-foot protective buffer will be established around the plant.
 - b. Active passerine bird nests will receive a 50-foot protective buffer while raptorial bird nests will receive a 250-foot protective buffer.
 - c. If threatened or endangered species are encountered within the project area, work will cease until approval for project continuation is received from California Department of Fish and Wildlife and the United States Fish and Wildlife Service.
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2. **Owner:** Bradford Westerfield
Applicant: Bradford Westerfield
File No.: PLN2015-00020
Location: Adjacent to 101 7th Street, Montara
APN: Public R-O-W, adjacent to 036-057-240

Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for the construction of a four-foot tall fence within the public right-of-way. This project is appealable to the California Coastal Commission. Application deemed complete January 12, 2015.

SPEAKERS:

1. Lisa Ketcham
2. Mary Larenas
3. Laura Stein
4. Russell Townsend
5. Karen Wilson
6. Dave Olson
7. Kathryn Slater-Carter
8. Len Erickson
9. Kristen Keith
10. Lennie Roberts

COMMISSION ACTION:

Commissioner Hansson moved and Commissioner Ramirez seconded to close the public hearing.
Motion carried 4-0-0-1.

Commissioner Ramirez moved approval and Commissioner Kersteen-Tucker 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. In conjunction with the approval of PLN2014-00302, the Planning Commission requested, and the applicant agreed to, removal of the remaining portion of a legal six-foot tall, solid wood fence within the public right-of-way. The removed section will be replaced with a four foot tall wood frame, wire mesh fence consistent with the originally proposed new fence. All new fences will be of the same height and design. In addition, the Planning Commission approved this project with Staff's recommended Condition of Approval No. 4, which modifies the applicant's original proposal to allow for continued access to the existing footpath within the Marine Walk parcel. The applicant agreed to all project modifications proposed at the hearing. The Planning Commission made the findings and adopted conditions of approval as follows:

FINDINGS:

Regarding the Environmental Review, Found:

1. That this project is categorically exempt pursuant to Section 15303 of the California Environmental Quality Act, consisting of the construction and location of limited numbers of new, small facilities or structures and includes accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7, and as modified at the public hearing, 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 discussed in the staff report under Section A.2, including protection of coastal access.
3. Where the project is located between the nearest public road and the sea, that the project is in conformity with 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). As discussed in the meeting, staff recommended and the Planning Commission approved a condition of approval that modified the applicant's proposal. This modification allows continued public access to the informal trail within the Marine Walk, and provides a physical separation between the public access area and the applicant's private property in keeping with Policy 10.27 of the LCP.

CONDITIONS OF APPROVAL:

Current Planning Section

1. This approval applies only to the proposal (as modified at the public hearing), documents and plans described in this report and submitted to and approved by the Planning Commission at the February 25, 2015 meeting. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees 60 days prior to expiration.
3. Prior to the beginning of any construction activities, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan which 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, 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 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 weeks of seeding/planting.

- e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and 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 appropriately designed earth dikes, perimeter dikes or swales, or diversions.
 - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
 - j. Install appropriately designed storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems.
 - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
 - l. 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 acre 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.
 - m. 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.
4. The applicant shall modify the proposed fence so that the portion that is parallel with the applicant's front property line is no more than 20 feet in length. At the end point, the applicant shall be permitted to construct an additional segment, at a 45-degree angle to the first segment, that ends at the applicant's front property line. At no point may any segment of the new fence block access to the existing trail entrance into Marine Walk.

3. **Owner:** John O'Rourke
Applicant: San Mateo Real Estate and Construction
File No.: PLN2002-00517
Location: Bel Aire Road in the San Mateo Highlands
APNs: 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, a Grading Permit, pursuant to 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. The project includes the subdivision of the 13.25-acre subject site (Water Tank Hill) into 21 legal parcels for development of 19 single-family dwellings with the remaining two lots as conservation (Lot A) and common space (Lot C) areas, including a main private access road. The project site is accessed from Bel Aire Road north of Ascension Drive. This item is continued from the January 28, 2015 meeting.

SPEAKERS:

1. Elmo L. Warren
2. Kim Ricket
3. J. Radov Martin
4. Jim Metz
5. Liesje Nichols
6. Marianne Salsnick (on behalf of Suzanne Simms)
7. Sheila Shea
8. Suzanne Kennedy
9. Edward Chaw
10. Laura Ditlevsen
11. Michele Young
12. Dennis Thomas, Applicant

COMMISSION ACTION:

Commissioner Hansson moved and Commissioner Kersteen-Tucker seconded to close the public hearing. **Motion carried 4-0-0-1.**

Commissioner Kersteen-Tucker moved to continue the item and Commissioner Hansson seconded the motion. **Motion carried 4-0-0-1.**

Based on information provided by staff and evidence presented at the hearing, and with the applicant's concurrence, the Planning Commission continued the item to a date uncertain to allow additional time for:

1. Staff's preparation of formal findings for denial; and
2. The applicant to bring back additional documentation or revisions to the project that respond to concerns expressed about the project.

4. **Correspondence and Other Matters**

There was discussion of a deadline for correspondence directed to the Planning Commission.

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

A study session is tentatively scheduled for April 22 to discuss short term rentals.

6. **Director's Report**

Planning Commission Secretary Heather Hardy has accepted a new position within the Planning and Building Department, and a recruitment for the new Secretary is ongoing.

7. **Adjournment**

The meeting adjourned at 12:30 p.m.