



Planning & Building Department Planning Commission

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

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

ACTION MINUTES

Draft

MEETING NO. 1669
Wednesday, August 28, 2019

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

Chair Gupta called the meeting to order at 9:02 a.m.

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

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

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

None

Consideration of the Minutes of the Planning Commission meeting of July 10, 2019. Commissioner Ketcham moved, and Commissioner Ramirez seconded, that the minutes be approved as submitted 5-0-0-0.

CONSENT AGENDA

Commissioners moved to pull this item from the Consent agenda and added it to the Regular agenda in order to open it for public comment.

REGULAR AGENDA

- Owner/Applicant** San Francisco Public Utilities Commission (SFPUC)
File Number: PLN2019-00227
Location: Montara Mountain
Assessor's Parcel No.:093-030-050

A request by the San Francisco Public Utilities Commission, to determine if their proposed installation of a radio tower and supporting facilities for storm data collection on Montara Mountain conforms to the County's General Plan. Application deemed complete June 24, 2019. Please direct any questions to Project Planner Will Gibson at 650/363-1816 or wqibson@smcgov.org.

SPEAKERS:

- Michael Weston

COMMISSION ACTION:

Commissioner Gupta moved and Commissioner Santacruz seconded to close the public hearing.
Motion carried 5-0-0-0.

Commissioner Santacruz moved denial with edits to the findings. Commissioner Ketcham seconded the motion. **Motion carried 0-5-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission determined that the project does not conform to the County General Plan. This determination was based on correspondence and testimony indicating that fencing associated with the project has eliminated public access to established hiking trails and scenic vistas. Without appropriate justification, the elimination of such recreational opportunities conflict with General Plan Policies regarding Park and Recreation Resources and Rural Land Use.

REGULAR AGENDA

- 2. **Owner/Applicant** **San Mateo County Parks Department**
 File Number: PLN2019-00065
 Location: 1195 Columbus Street, El Granada
 Assessor's Parcel Nos.: 047-340-290; 047-340-020

A Coastal Development Permit to allow installation of a total of 1,500 linear feet of non-potable 4" water line leading from the existing reservoir gate valve down to the County Quarry Park Ranger Station. Water line will be divided to provide non-potable water to irrigate the meadows and existing community garden; and a separate line for fire suppression. The project includes 598 cubic yards of grading; removal of 200 eucalyptus trees with less than 17"dbh; & minimal brush clearing/grubbing. The project is located at Quarry County Park in El Granada. This project Application deemed complete March 19, 2019. Please direct any questions to Project Planner Renée Ananda at 650/363-1554 or rananda@smcgov.org.

SPEAKERS:

- 1. None

COMMISSION ACTION:

Commissioner Gupta moved and Commissioner Santacruz seconded to close the public hearing.
Motion carried 5-0-0-0.

Commissioner Santacruz moved approval of the project. Commissioner Ketcham seconded the motion. **Motion carried 5-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the Coastal Development Permit, County File PLN 2019-00065, by making the required findings and adopting conditions of approval as follows:

FINDINGS:

Regarding the Environmental Review Found:

1. That the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303.

Regarding the Coastal Development Permit Found:

2. That the project, as described in the application and accompanying materials, is consistent with the General Plan as discussed in A.1 of this staff report.
3. That the project, as described in the application and accompanying materials required by Section 6328.7 of the San Mateo County Zoning Regulations and as conditioned in accordance with Section 6328.14 of the San Mateo County Zoning Regulations, conforms to the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program as described in Section A.2 of this staff report.

Current Planning Section

1. The approval applies only to the proposal as described in this report and the materials submitted for review and approval by the Planning Commission on August 28, 2019. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and substantially in conformity with this approval.
2. This permit shall be valid for two (2) years from the date of approval within which time the project shall be completed. A time extension may be obtained for good cause upon the applicant's written request submitted to and approved by the Community Development Director. The request shall be submitted to the Community Development Director two (2) weeks prior to the expiration date.
3. Prior to initiating construction, the applicant shall finalize the draft erosion and sediment control plan entitled "Erosion Control Plan Quarry Park 1195 Columbus Avenue, El Granada APN: 047340290". The applicant shall submit to the Planning Department a full size (24"x36") Erosion and Sediment Control Plan, overlaying the project site, to scale. The Erosion and Sediment Control Plan must be reviewed and approved by the Current Planning Section prior to the beginning of construction.
4. Prior to any construction or grading activities and continuously between October 1 and April 30, the applicant shall implement the erosion and sedimentation control and best management practices (BMPs) specified in the project specifications to protect against detrimental discharge of sediment to natural habitats and resources. The applicant shall apply stabilizing measures to all denuded areas after the land is disturbed and provide all materials necessary to provide an effective means to stabilize soils and control erosion at the site, including but not limited to placement of wattles or straw bales; and minimizing vegetation removal. The applicant shall regularly inspect all erosion control measures and BMPs at the site to ensure they are properly installed and working effectively. Deficiencies shall be immediately corrected, as they occur. BMPs shall be implemented through to project completion. Applicant shall train and provide instruction to all project employees and subcontractors regarding the construction BMPs including, but not limited to:
 - a. Storing, handling, and disposing of construction materials and wastes properly, to prevent their contact with ground surface and storm water.
 - b. Controlling and preventing the discharge of all potential pollutants, including petroleum products, chemicals, wash water or sediments.

- c. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - d. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - e. Performing clearing and earth-moving activities only during dry weather conditions.
 - f. Limiting construction access routes and stabilizing designated access points.
 - g. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - h. During work activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas.
5. This project must include dust control provisions as detailed in the Grading Permit Performance Standards Handbook.
 6. All equipment used in land clearing operations shall meet spark arrester and fire-fighting tool requirements as specified in the California Public Resources Code.
 7. No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion unless approved, in writing, by the Community Development Director. The property owner shall submit a letter-request to the Current Planning Section, at least two (2) weeks prior to commencement of grading, stating the date when grading will begin.
 8. Construction activities shall be performed to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during the September to February time period, then pre-construction surveys shall be performed by a qualified biologist to locate any active nests prior to the start of construction. Said surveys must be conducted no more than fourteen (14) days prior to the start of proposed construction activities. If active nests are observed, buffer zones shall be established around trees/shrubs with nests, with a buffer size established by the qualified biologist through consultation with the California Department of Fish and Wildlife (CDFW). Buffered zones shall be avoided during construction activities until young have fledged or the nest is otherwise abandoned.
 9. Construction activities shall be limited to the hours of 7:00 a.m. until 6:00 p.m., Monday through Friday, and Saturdays from 9:00 a.m. until 5:00 p.m. Construction is not permitted on Sundays, Thanksgiving, or Christmas.
 10. A building permit is required. No site disturbance shall occur, including any vegetation removal or grading, until a building permit has been issued.
 11. Unexpected Discovery of Cultural Resources: Not all cultural resources are visible on the ground surface. Prior to the start of construction or ground-disturbing activities, the applicant shall ensure all field personnel are educated of the possibility of encountering buried prehistoric or historic cultural resources. Personnel will be trained that upon discovery of buried cultural resources, work within 50 feet of the find must cease and the applicant shall contact a qualified archaeologist immediately to evaluate the find. If the find is found to be eligible for listing on the

National Register of Historic Places or the California Register of Historical Resources, then plans for treatment, evaluation, and mitigation of impacts to the find shall be developed and implemented according to the qualified archaeologist's recommendations.

12. **Unanticipated Discovery of Human Remains:** The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. In the event of an unanticipated discovery of human remains, the County coroner shall be notified immediately. If the human remains are determined to be prehistoric, the coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). The MLD has 48 hours after being given access to the site to make recommendations to the landowner regarding disposition of the remains.

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3. **Owner/Applicant** **Nori Gerardo Lietz**
 File Number: PLN2016-00061
 Location: Nevada Ave, Moss Beach
 Assessor's Parcel No.:037-112-130

An After-the-Fact Coastal Development Permit and Variance to allow for construction of a 6 foot tall solid redwood fence on a vacant parcel located adjacent to 263 Nevada Avenue. The project is appealable to the California Coastal Commission. Application deemed complete May 25, 2016. Please direct any questions to Project Planner Olivia Boo at 650/363-1818 or oboo@smcgov.org.

SPEAKERS:

1. Carol Brown
2. Trish McCoy
3. Nori Gerardo Lietz

COMMISSION ACTION:

Commissioner Santacruz moved and Commissioner Hansson seconded to close the public hearing. **Motion carried 5-0-0-0.**

Commissioner Ketcham moved to deny the request in additional to adding the word **not** to condition #6. Commissioner Santacruz seconded the motion. **Motion carried 5-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission denied the Coastal Development Permit and Variance, County File Number, PLN 2016-00061, by making the required findings listed as follows:

FINDINGS:

For the Environmental Review, Found:

1. That the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 (*Projects Which are Disapproved*).

For the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, does not conform with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program. The proposed fence is inconsistent with the protection of coastal resources, namely ocean views from public viewpoints.
3. That 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). Adequate access is provided 200 feet south of the parcel at the Fitzgerald Marine Reserve.
4. That the project does not conform to specific findings required by policies of the San Mateo County Local Coastal Program. The project is inconsistent with the Visual Resources Component policies regarding maximizing public views to the ocean and that other fence options are available which are consistent with these policies.

For the Variance, Found:

5. The parcel's location, size, shape, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity. The vacant parcel is of a standard flag lot size and configuration and physical conditions, bluff erosion, are similar to other parcels along Nevada Avenue.
6. Without the variance, the landowner would not be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity. Fences within front yards in vicinity are of similar construction at four feet in height.
7. The variance does grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity. Granting the variance for this proposal does not maximize public views to the ocean and would constitute a special privilege in that this landowner would be permitted to partially or wholly block public views.
8. The variance authorizes only uses or activities which are permitted by the zoning district. Fences are allowed in residentially zoned districts.
9. The variance is not consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations. The project is inconsistent with the Visual Resources Component policies regarding maximizing public views to the ocean and that other fence options are available which are consistent with these policies.

CONDITIONS OF APPROVAL

Current Planning Section

1. Following the end of the appeal period, the existing fence will be removed within 30 calendar days and may be replaced with the original post and rope that existed before.

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2. Correspondence and Other Matters

Two pieces of correspondence, one for Item 1 and another for item 3 that were both shared with the Commission this morning.

3. Consideration of Study Session for Next Meeting

The September 11th meeting has been cancelled due to lack of agenda items and there is no upcoming study sessions at this time.

4. Director's Report

Director Steve Monowitz updated the Commissioners on projects that the Department is working on.

5. Commissioner Updates and Questions

Commissioner Santacruz requested that Steve share information at an upcoming meeting regarding ADU's related to loans for building and construction.

Janneth will email the Commissioners the Plan Princeton Sea Level Rise (SLR) Consideration Memo following the meeting.

6. Adjournment

Meeting adjourned at 11:15 a.m.
