

CALIFORNIA COASTAL COMMISSION

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original staff report

F15a

Prepared June 10, 2015 for June 12, 2015 Hearing

To: Commissioners and Interested Persons
From: Nancy Cave, North Central Coast District Manager
Renée Ananda, North Central Coast Coastal Program Analyst
Subject: **STAFF REPORT ADDENDUM for F15a**
Appeal Number A-2-SMC-10-016 (McGregor SFR)

In a letter dated June 3, 2015, the Applicant, Paul McGregor, raised some issues and sought some clarifications regarding the staff recommendation for Appeal Number A-2-SMC-10-016. Mr. McGregor asked that his letter be provided to the Commission. On June 8, 2015, Staff met with the Applicant and his agent to address the Applicant's issues and concerns with respect to the proposed special conditions of approval. During that meeting, Staff and the Applicant reached agreement on minor revisions to the staff recommendation, which are identified below. With the revisions, the Applicant is in agreement with the staff recommendation. The purpose of this addendum is therefore to modify the staff recommendation for the above-referenced item. These changes do not change the basic staff recommendation, which is still approval with conditions. Where applicable, changes shown in ~~strike through~~ show deletions, and changes shown in underline show additions.

1. Modify **Special Condition 1b** on staff report page 6 as follows to allow for bathroom facilities in the barn.

***b. Barn Design.** The barn shall be reduced in size from 2,000 square feet to no more than 1,600 square-feet, and all windows and balconies shall be eliminated on the portions of the barn in the Highway 1 viewshed (generally the west facing elements). The barn shall also be sited and designed to appear weathered and rustic, including through use of wood and unpainted exterior materials in low-slung barn style with a lack of decorative detail (e.g., simple board and bat, simple linear casing and trims, etc.), and through use of untreated corrugated metal, corten steel, or wood roofing. The barn shall not include any cooking ~~or bathroom~~ facilities.*

2. Add a response to comments section on staff report page 31 just prior to the CEQA finding:

Response to Comments

The Applicant submitted a letter dated June 3, 2015 raising some issues and looking for some clarifications. The following is provided as response.

Bathroom in Barn

The Applicant requests that the bathroom proposed for the barn be retained as he states it is necessary for him and the farmer working the property. He also indicates that the plans never included cooking facilities within the barn and confirms that he is not seeking approval to have this type of facility. The conditions allow for a bathroom in the barn.

Agricultural Deed Restriction

The Applicant raises questions regarding the imposition of an agricultural deed restriction. Commission Staff conveyed to the Applicant in a meeting June 8, 2015 the importance of ensuring long-term agricultural use of the land and that further non-agriculturally-related development on the parcel is not appropriate beyond what would be allowed within the 10,000 square-foot development envelope. Requiring a deed restriction is consistent with what has been required for approvals of other CDPs proposing development on Planned Agricultural District (PAD)-zoned land in San Mateo County. In this case, an agricultural deed restriction would be recorded on the parcel as opposed to an affirmative agricultural conservation easement (that would involve a third party monitoring the use of the agricultural easement). A deed restriction will run with the land and does not require the involvement of a third party. Therefore, with a recorded deed restriction, the undeveloped agricultural portions of the parcel will remain available for agricultural production in perpetuity regardless of future ownership of the property. The residential use would be allowed as well, subject to the special conditions of the approval, which include preserving most of the parcel for agricultural use. The Applicant indicated to Commission Staff that he was satisfied with this approach.

Approved Site Plan

The Applicant asked for clarification of Condition 5, confirming that the Commission-approved plans for the project would not change the locations of the house, barn and driveway and therefore the corresponding County building permit process would not become an impossibility. In the June 8, 2015 meeting, Staff clarified that Special Condition 1 would allow for the project in substantial conformance with the submitted plans, including in terms of locations, with modifications designed to achieve visual compatibility. These modifications should not significantly alter the locations of the house, barn and driveway, and Staff would work with the Applicant to ensure compliance with the conditions. .

Deed Restriction Process

The Applicant expressed concern that the overall deed restriction process associated with the Commission approval would hinder his ability to timely complete the County's building permit process. In the June 8, 2015 meeting Staff explained to the Applicant that after the Commission acts upon his CDP application, Staff will provide the Applicant with a deed restriction template and instructions for preparation of the document. The deed restriction would have the special conditions attached to it when submitted for recordation. Staff clarified that a Notice of Intent to Issue a Coastal Development Permit (NOI) would be issued upon the Commission's permit action. Once the Applicant signs and returns the NOI a deed restriction recordation packet, including detailed instructions, will be mailed to the Applicant along with his copy of the signed NOI. Commission staff is available to walk through the process and address any questions the Applicant might have as he prepares the deed restriction for recordation.

Barn Use

In the June 8, 2015 meeting, Staff clarified that Special Condition 4 does not prohibit future uses that are consistent with what is allowed within the PAD zone and as listed in Special Condition 5. The Applicant is not restricted from applying for future uses that are consistent with those requirements.

Conclusion

With the removal of the bathroom prohibition in the barn and with the clarifications on what is meant by revised plans requirements and by further clarifying the purpose of the deed restriction for agricultural use, the Applicant indicated that he is in agreement with the conditioned CDP approval as specified herein.

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F15a

Appeal Filed: 4/29/2010
49th Day: Waived
Staff: R. T. Ananda - SF
Staff Report: 5/29/2015
Hearing Date: 6/12/2015

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal Number: A-2-SMC-10-016

Applicant: Paul McGregor

Appellants: Commissioners Steve Blank and Richard Bloom

Local Government: Approved with special conditions by the San Mateo County Planning Commission on March 24, 2010 (County application number PLN2004-00524).

Project Location: Immediately inland of Highway 1 just downcoast of the intersection of Highway 1 and Stage Road, San Gregorio, San Mateo County (APN 081-030-010).

Project Description: Construction of a 4,688-square-foot, single-family residence with attached garage; 2,000-square-foot barn; septic system with leach field; three water tanks; conversion of agricultural well to domestic well; 400 cubic yards of grading; 400 cubic yards of fill; and removal of four trees on a 16.5-acre parcel in the Planned Agricultural District (PAD).

Staff Recommendation: Substantial Issue Exists; Approval with Conditions.

PROCEDURAL NOTE

The Commission will not take testimony on this “substantial issue” recommendation unless at least three Commissioners request it. The Commission may ask questions of the applicant, any

aggrieved person, the Attorney General or the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to three (3) minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

San Mateo County approved a coastal development permit (CDP) for the construction of a 4,688-square-foot, single-family residence with attached garage; 2,000-square-foot barn; septic system and leach field; three water tanks; conversion of agricultural well to domestic well; 400 cubic yards of excavation grading; 400 cubic yards of fill grading; and removal of four pine trees, located on a 16.5-acre parcel in the Planned Agricultural District (PAD) just inland of Highway 1 at the intersection of Highway 1 and Stage Road in the unincorporated San Gregorio area of San Mateo County. The Appellants contend that the County-approved project raises Local Coastal Program (LCP) conformance issues with respect to the protection of agriculture and visual resources because it appears that the project: 1) does not ensure that lands suitable for agriculture will remain in agricultural production; 2) does not minimize encroachment of development on agricultural land; 3) converts an existing well from agricultural to residential; and 4) would result in a visual impact on scenic roads.

The LCP prohibits the conversion of land suitable for agriculture to a conditionally permitted use unless all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, continued use of the soils is not feasible, clearly defined buffer areas are developed between agricultural and non-agricultural uses, the productivity of any adjacent agricultural lands is not diminished, and public service expansions do not impair agricultural viability. The entire property is identified by the LCP as lands suitable for agriculture. While barns accessory to agricultural uses are a permitted use in the PAD on lands suitable for agriculture, the County approval did not include sufficient evidence to show that the proposed use of the 2,000 square-foot barn, originally designed to include windows and a balcony, is proposed as a barn accessory to agricultural uses. Likewise, the County's approval of a single-family residence, a conditionally permitted use, would result in the conversion of LCP identified land suitable for agriculture without a quantitative analysis of the feasibility of continued or renewed agricultural use of the soils at the site, both for grazing and cultivation. Similarly, the LCP requires that any such conversion demonstrate that adequate and sufficient water supplies needed for agricultural production are not diminished, but the County's approval did not include any quantitative information regarding the water required for existing or potential future agricultural use on the property or the projected water use of the proposed residential development in order to ensure adequate water supplies for agricultural use would not be diminished through the well conversion.

In terms of the public viewshed, the LCP includes strong protections for visual and scenic resources along the coast and requires that development be sited and designed to avoid impacts

and otherwise minimize its visibility in public views and be compatible with public view protection. The property is located at the intersection of Highway 1 and Stage Road, both of which are LCP-designated scenic roads. The site is located in the foreground of a sweeping and significant view inland of the San Gregorio valley, and the County-approved project would have placed the approved structures directly in this significant public view without an adequate analysis of alternatives or a reduced project footprint, including with respect to the barn, which may have further reduced the project's visual impacts.

Thus, staff recommends that the Commission find that a **substantial issue** exists with respect to the County-approved project's conformity with the LCP, and that the Commission take jurisdiction over the CDP application for the proposed project.

In de novo review, staff has worked closely with the Applicant on these identified issues, and the Applicant has provided additional information as well as now proposing a series of changes to the County-approved project, including: removal of all windows from the Highway 1 side of the barn, a 400 square-foot reduction in the size of the barn (from 2,000 square feet to 1,600 square feet), limiting residential development to within a 10,000 square-foot development envelope, and recordation of a deed restriction limiting uses for the land outside of the proposed development envelope to agricultural uses only. Staff's review of the agricultural issues indicates that this is a fairly constrained property due to slopes and drainages crossing it, and that the house and barn will be located in the least desirable agricultural areas. The site has been dry-farmed (oat hay and fava beans) for the past seven years by Mike Iacopi, a local farmer under a lease with the Applicant. The Applicant indicates that that arrangement will continue (via a 25-year agricultural lease). The farmer currently transports equipment, used to farm the land, from off-site. The proposed barn will serve as a primary storage space for heavy equipment associated with agricultural use; these include a caterpillar to till the soil, seeder, roto tiller, and mower. The Applicant's alternatives analysis indicates that the development envelope area would be most consistent with the agricultural and visual resource policies of the LCP given the site constraints, and staff site visits confirm this to be the case. In addition, there will be at least a 100-foot buffer between the residential development and the areas on the property that are actively farmed and better for growing plants, and the Applicant has demonstrated adequate water supply for agricultural and other uses on the site.

With respect to visual concerns, staff has worked with the Applicant on revisions to better protect the significant public view, including that the residence will be partially graded into the slope such that it will appear smaller in the Highway 1 view, and it will be screened with low landscaping to help it disappear further in this view; the water tanks will also be buried two feet into the ground such that only four feet of each tank will be above ground and also screened with landscaping; barn windows are limited to the inland side of the barn that faces away from Highway 1 and is not visible from Stage Road, the size of the barn has been reduced, and it will be required to have a rustic appearance to blend in with and complement the surrounding natural environment; and the driveway will be required to be minimized, colored, and screened to limit its visual impacts.

Staff therefore recommends that the Commission approve a CDP for the proposed development. The motion is found below on page 5.

TABLE OF CONTENTS

I. MOTIONS AND RESOLUTIONS.....	5
II. STANDARD CONDITIONS.....	6
III. SPECIAL CONDITIONS	6
IV. FINDINGS AND DECLARATIONS	11
A. PROJECT LOCATION	11
B. PROJECT DESCRIPTION.....	11
C. SAN MATEO COUNTY APPROVAL	11
D. PROCEDURAL HISTORY	11
E. APPEAL PROCEDURES	13
F. SUMMARY OF APPEAL CONTENTIONS	14
G. SUBSTANTIAL ISSUE DETERMINATION	14
H. COASTAL DEVELOPMENT PERMIT DETERMINATION	18
I. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	31

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Proposed Project Plans
- Exhibit 3 – County Notification of Final CDP Action
- Exhibit 4 – Appeal of County CDP Action
- Exhibit 5 – County Water Availability/Well Conversion
- Exhibit 6 – County Farm Bureau Letter
- Exhibit 7 – Farmer Iacopi Letters
- Exhibit 8 – Site Photos
- Exhibit 9 – Proposed Site Alternatives
- Exhibit 10 – Site Soil Maps

I. MOTIONS AND RESOLUTIONS

A. Substantial Issue Determination

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in a finding of substantial issue followed by a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of no substantial issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-SMC-10-016 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-2-SMC-10-016 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program.*

B. CDP Determination

Staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. Failure of this motion will result in denial of the CDP application. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-2-SMC-10-016 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number A-2-SMC-10-016 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified San Mateo County Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size sets of Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be substantially in conformance with the proposed project plans (**Exhibit 2**) except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Development Envelope.** All residentially-related development other than the approved driveway, water tanks, underground utilities, landscaping, and irrigation shall be confined within a development envelope area that is no greater than 10,000 square feet as generally shown in **Exhibit 2**.
 - b. **Barn Design.** The barn shall be reduced in size from 2,000 square feet to no more than 1,600 square-feet, and all windows and balconies shall be eliminated on the portions of the barn in the Highway 1 viewshed (generally the west facing elements). The barn shall also be sited and designed to appear weathered and rustic, including through use of wood and unpainted exterior materials in low-slung barn style with a lack of decorative detail (e.g., simple board and bat, simple linear casing and trims, etc.), and through use of untreated corrugated metal, corten steel, or wood roofing. The barn shall not include any cooking or bathroom facilities.

- c. Residence, Water Tanks, and Driveway.** The residence shall be sited and designed, including through cutting it into the slope as much as possible, to limit its visibility in the Highway 1 viewshed as much as possible, and to otherwise reflect a rural agricultural theme (i.e., simple and utilitarian lines and materials, including use of board and bats, corrugated metal, corten steel, muted earth tone colors, etc.). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to the water tanks, the driveway, and all other project elements within the Highway One viewshed (e.g., walkways, paved areas, railings, lighting, decorative landscaping, etc.). To the maximum extent feasible, the water tanks and driveway shall be located so as not to be visible from Highway 1, including burying the water tanks and lowering the grade of the driveway out of Highway 1 view. The driveway shall be colored or shall make use of other materials necessary to achieve compliance with this condition (e.g., dirt road, vegetated pavers, etc.), and the driveway entrance at Highway 1 shall be designed to be as inconspicuous as possible, including strictly avoiding above ground elements (such as pillars, etc.) and ensuring all allowed elements emphasize a rustic agricultural aesthetic. At a minimum, the plans shall clearly identify all such project elements, and all materials and finishes to be used to achieve such design aesthetic (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).
- d. Utilities.** All utilities shall be installed underground.
- e. Water conservation.** The residence shall make maximum use of water conservation fixtures and equipment (including but not limited to high efficiency low flow toilets, high efficiency washing machines and dishwashers, recirculating pumps, low-flow showerheads, shower shut-off valves, faucet aerators, etc.)
- f. Landscaping and Irrigation.** Outside decorative landscaping shall be limited to drought tolerant species, and outside irrigation shall be limited to drip or microspray systems.
- g. Landscape Screening.** Revised Plans shall include a landscape screening component that is designed to completely screen the residence, the driveway, the water tanks, and related residential development from Highway 1 view. Such landscape screening shall utilize as low growing of plants and shrubs as possible to achieve such screening, where such species shall be native, drought tolerant and non-invasive plant species complimentary with the mix of native habitats in the project vicinity. The landscape screening component shall include detailed information regarding species, sizes, and planting locations for all vegetation planted to screen the driveway, residence, and water tanks, and shall specify cut heights to ensure that such landscaping over time does not grow so tall as to block any inland views from Highway 1.
- h. Lighting.** Exterior lighting shall be prohibited other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All allowed lighting fixtures shall be sited and designed to minimize their impact on Highway 1 and Stage Road views, including through the use of shielded and downcast lighting fixtures and low luminosity.

All requirements above and all requirements of the approved Revised Project Plans shall be

enforceable components of this CDP. The Permittee shall undertake development in accordance with the approved Revised Project Plans.

2. Construction Requirements. The Permittee shall undertake construction in accordance with the following construction requirements:

- a. Construction Areas.** All such areas within which construction activities or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on views from Highway 1 and Stage Road.
- b. Construction Methods and Timing.** Construction methods to be used shall limit construction activities including the duration of construction to the maximum extent feasible. Construction shall be limited to non-holiday weekdays during daylight hours only (i.e., one hour before sunrise to one hour after sunset), and construction lighting beyond what is required for safety purposes is prohibited.
- c. Construction Best Management Practices (BMPs).** Construction BMPs shall contain provisions for specifically identifying and protecting all natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, etc.) to prevent construction-related runoff and sediment from entering into San Gregorio Creek. Silt fences, straw wattles, or equivalent measures shall be installed at the perimeter of all construction areas. At a minimum, construction BMPs shall also include provisions for stockpiling and covering of graded materials, temporary storm water detention facilities, re-vegetation as necessary, and restricting grading and earthmoving during the rainy weather. Construction BMPs shall indicate that: 1) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site; all de-watering operations shall include filtration mechanisms; 2) off-site equipment wash areas are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, de-greasers, or steam cleaning equipment shall not be allowed; in any event, such wash water shall not be allowed to enter any natural drainage; 3) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); all wastes shall be disposed of properly, trash receptacles shall be placed on site for that purpose, and open trash receptacles shall be covered during wet weather); and 4) all erosion and sediment controls shall be in place prior to the commencement of grading or construction, as well as at the end of each day.
- d. Construction Site Documents.** Copies of the signed CDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP, and the public review requirements applicable to it, prior to commencement of construction.
- e. Construction Coordinator.** A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case

of both regular inquiries and emergencies), and that the coordinator's contact information (including address, e-mail address, and phone number) shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, contact information, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 72 hours of receipt of the complaint or inquiry.

- f. Notification.** The Permittee shall notify staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

Minor adjustments to the above construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above shall be enforceable components of this CDP.

- 3. Landscape Screening Report.** Two years from the date of the receipt of the Certificate of Occupancy (or equivalent allowing occupancy) for the residence, the Permittee shall submit, for the review and approval of the Executive Director, a landscape screening report, prepared by a qualified specialist, that certifies the landscaping screening is in compliance with the requirements of Special Condition 1. If the landscape screening report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in Special Condition 1, the Permittee shall submit a revised or supplemental landscape screening plan for the review and approval of the Executive Director. The revised/supplemental landscape screening plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.
- 4. Barn Use.** The barn shall only be used in support of agricultural activities on the property (see **Special Condition 5**), and any other use, including habitable use, is prohibited.
- 5. Agricultural Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act, shall occur outside of the 10,000 square foot development envelope identified in **Special Condition 1a** (and generally shown in **Exhibit 2**) except for agricultural activities (limited to the cultivation of food, fiber, or flowers, and the grazing, growing or pasturing of livestock), the approved barn, and the approved driveway, water tanks, underground utilities, landscaping, and irrigation as identified in **Special Condition 1**.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT: (a) the Permittee shall submit, for the review and approval of the Executive Director, a deed restriction that provides for the above restrictions, and that includes a formal metes and bounds legal description and corresponding graphic depiction (drawn to scale and prepared by a licensed surveyor) of the overall property, the development envelope, and the restricted area, all as generally described above and as generally shown in **Exhibit 2**; and (b) upon Executive Director approval of the deed restriction, the Permittee shall record the approved deed

restriction and provide evidence of said recordation (i.e., a title report) to the Executive Director.

- 6. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and approval documentation demonstrating that the Applicant has executed and recorded against the parcel governed by this CDP a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this CDP, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION

The subject property is an undeveloped 16.5-acre parcel located at the southeast corner of the Stage Road and State Highway 1 (referred to as the Cabrillo Highway) intersection in unincorporated San Gregorio, San Mateo County (**Exhibit 1**). The area is zoned as Planned Agricultural District/Coastal Development (PAD/CD). The subject parcel is surrounded by rolling hills, open space, and farmland. (**Exhibit 8**) The closest development to the proposed project location is a residence located to the west (on the other side of State Highway 1) of the subject parcel. Another residence is located on State Highway 1 approximately a half-mile north of the project.

B. PROJECT DESCRIPTION

The County approved construction of a 4,688-square-foot, single-family residence with attached garage; 2,000-square-foot barn; new septic system with leach field; three water tanks; conversion of one agricultural well to a domestic well; 400 cubic yards of excavation grading; 400 cubic yards of fill grading; and removal of four trees on 16.5 acres in a Planned Agricultural District (PAD).

The County approval was conditioned and required among other things measures intended to address agricultural and visual impacts. The approval conditions include but are not limited to requirements that the barn shall not be used for habitable purposes (Condition #19); all outdoor lighting shall be directed downward or hooded (Condition #12); the west and north sides of the residence, the southwest corner of the property facing State Highway 1, the south and north sides of the water tanks be landscaped; and submittal of a landscape plan (Condition #14); the lower two feet of the six-foot tall water tanks shall be buried (Condition #22) and the tanks painted with earth-tone colors and screened with Cypress trees (Condition #24) (**Exhibit 3**).

C. SAN MATEO COUNTY APPROVAL

The San Mateo County Planning Commission approved a coastal development permit (CDP) and planned agricultural permit (County Planning File No. PLN2004-00524) on March 24, 2010 (**Exhibit 3**). Notice of the County's final action on the CDP and planned agricultural permit was received in the Coastal Commission's North Central Coast District Office on April 15, 2010. The Coastal Commission's ten-working day appeal period for this action began on April 16, 2010 and concluded at 5 p.m. on April 29, 2010. One valid appeal (**Exhibit 4**) was received from Commissioners Blank and Bloom on April 29, 2010, during the appeal period.

D. PROCEDURAL HISTORY

The County initially sent the North Central Coast District Office a Project Referral on March 29, 2007. Commission Staff provided the County with written comments on May 25, 2007. On

August 9, 2007, Commission Staff initiated contact with County Staff regarding the location of story poles placed on the property where the proposed development was to be sited. Commission Staff sent additional comments to the County in correspondence dated November 16, 2007. These comments consisted of an expressed concern about the visual impacts of the proposal. Staff requested that the County evaluate alternative development sites in less visually prominent locations that would minimize the alteration of landforms and that would create an access road less visible from the Scenic Roads. Commission Staff, County staff, and the property owner visited the site on February 26, 2008. Communications with the County regarding the design were conducted on April 7, 2008 and July 1, 2008 (via e-mail).

Another Project Referral was received on May 23, 2008 that reflected some modifications to the proposal that include changed locations for the house, barn, and the driveway. Staff received the County's Initial Study/Mitigated Negative Declaration on February 8, 2010 for review and comment. Staff sent written comments to the County on March 17, 2010 regarding the Mitigated Negative Declaration for the project. Staff suggested that the County evaluate: 1) prime agricultural land or any lands suitable for agriculture on the parcel, based on the USDA Soil Conservation Service Land Use Compatibility Classification; 2) consistency with agricultural policies regarding permitted uses, conversion of agricultural lands, and protection of agricultural water supplies; 3) whether or not the proposed residence could affect potential on-going agricultural activities on-site or in the area; 4) availability of adequate water supplies for agricultural production and sensitive habitat are not diminished; and 5) the proposed development's consistency with LCP visual resources policies, with respect to Highway 1 in particular. It appeared at that time that the Applicant was interested in ensuring that the property remained agricultural, including via restricting it in that way, and Staff voiced support for this approach, as long as the proposed development could be found to be consistent with all other applicable LCP policies. On March 24, 2010 the County approved the project and, as noted above, two Coastal Commissioners filed an appeal on April 29, 2010, prior to the close of the Commission's ten-working day appeal period. The County permit record was received in the North Central Coast District Office on May 18, 2010.

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. The Applicant waived the 49-day hearing requirement after filing of the appeal. North Central Coast District staff received the Applicant's signed 49-day waiver on May 18, 2010. The Applicant requested that Application A-2-SMC-10-016 be scheduled for consideration after the Applicant and Commission staff had been able to spend additional time discussing the project. After receiving the waiver, staff worked with the Applicant in an effort to research the issues raised by the appeal and to come to resolution regarding potential agricultural and visual resource impacts presented by the project. Commission staff also coordinated with the County to obtain clarification on the approved project during this interim period. On August 17, 2010, Commission staff sent a letter to the Applicant requesting additional information before staff could schedule the appealed project for a hearing. On February 25, 2011, staff met with the Applicant to discuss the project at which time the Applicant was asked again to provide requested information. On July 20, 2011, Commission staff sent the Applicant a letter to restart discussions as staff had not heard from the Applicant since the February 2011 meeting. On July 28, 2014, three years later, Commission staff received a letter from the Applicant dated July 23,

2014, responding to the letter sent by staff on July 20, 2011. On October 14 and 21, 2014 the staff received project materials from the Applicant. On November 7, 2014 Commission staff requested additional filing information and clarifications on the project. The Applicant submitted additional project information and materials on December 2, 2014, December 24, 2014, and February 23, 2015. Most recently, on April 30, 2015, staff conducted a site visit with the Applicant at the property in a final effort to conclude negotiations on the proposed project.

E. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable to the Commission because it involves approval of residential development by the County of San Mateo that is not the principally permitted use designated for use within the PAD zoning district in which the project is sited.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. The Coastal Act presumes that an appeal raises a substantial issue of conformity of the approved project with the certified LCP, unless the Commission decides to take public testimony and vote on the question of substantial issue. Since the staff is recommending substantial issue on the subject project, unless three Commissioners object to that recommendation, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review at the same or subsequent meeting. The Commission will not take public testimony during this phase of the appeals hearing unless three Commissioners request it.

IMPORTANT NOTE:
THE COMMISSION WILL NOT TAKE PUBLIC TESTIMONY DURING THE
SUBSTANTIAL ISSUE PHASE OF THE APPEAL HEARING UNLESS
AT LEAST THREE (3) COMMISSIONERS REQUEST IT.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will be allowed to testify to address whether the appeal raises a

substantial issue with some restrictions. The only persons qualified to testify before the Commission on the substantial issue question are the applicants, appellants, and persons who previously made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* portion of the appeal hearing and review the merits of the proposed project. Any person may testify during the *de novo* CDP determination stage of an appeal. Under Section 30604(b), if the Commission conducts a *de novo* hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

F. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the County-approved project raises Local Coastal Program (LCP) conformance issues with respect to the protection of agriculture and visual resources. Specifically, the approved development is inconsistent with policies of the San Mateo County certified LCP because it: 1) does not ensure that lands suitable for agriculture will remain in agricultural production; 2) does not minimize encroachment of development on agricultural land; 3) converts an existing well from agricultural to residential use; and 4) would result in a visual impact on scenic roads. See **Exhibit 4** for the complete appeal documents.

G. SUBSTANTIAL ISSUE DETERMINATION

Substantial Issue Background

The term “substantial issue” is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government’s decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5

In this case, for the reasons discussed further below, the Commission determines that the development as approved by the County presents a substantial issue.

Substantial Issue Analysis

Agriculture

The Appellants contend that the approved development does not ensure that lands suitable for agriculture will remain in agricultural production and that the development as approved does not minimize encroachment on agricultural land inconsistent with the LCP agricultural resource policies. See **Exhibit 4** for the full text of the Appellants' contentions. For the specific policy language referenced below, please see the Agriculture Section in the De Novo portion of this appeal report.

LCP Policy 1.8 allows new development in rural areas only if it will not diminish the ability to keep agricultural land and all lands suitable for agriculture in agricultural production. LCP Policy 5.6 permits agricultural uses and agriculturally related development (ex. non-residential development customarily considered accessory to agricultural uses including barns) on land suitable for agriculture, and conditionally permits other uses, including single-family residences. LCP Policy 5.10 prohibits the conversion of land suitable for agriculture to a conditionally permitted use unless all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, continued use of the soils is not feasible, clearly defined buffer areas are developed between agricultural and non-agricultural uses, the productivity of any adjacent agricultural lands is not diminished, and public service expansions do not impair agricultural viability.

The County approved project is located on property designated as Agriculture in the Planned Agricultural District (PAD). The purpose of the PAD zoning district is to preserve and foster existing and potential agricultural operations in the County's coastal zone in order to keep the maximum amount of agricultural land in agricultural production. The property is made up of lands suitable for agriculture in its entirety as defined by LCP Policy 5.3. LCP Section 6355 conditionally permits single-family residences to be located upon lands suitable for agriculture in the PAD subject to the issuance of a Planned Agricultural Permit as long as the development meets the requirements outlined in LCP Policy 5.10. LCP Section 6355 also requires that encroachment of all non-agricultural development on land suitable for agriculture be minimized and clustered.

While other development customarily considered accessory to agricultural uses including barns is a permitted use in the PAD on lands suitable for agriculture, the County approval did not include sufficient evidence to show that the proposed use of the 2,000 square-foot barn, originally designed to include windows and a balcony, is proposed as a barn accessory to agricultural uses consistent with LCP Policy 5.6. The County approval required the removal of the proposed balcony from the barn and that the barn not be used for residential or habitable purposes, but the County's approval does not ensure that the structure will be used as an accessory to agricultural uses as required by the LCP.

The proposed new single family residence, a conditionally permitted use, would result in conversion of land suitable for agriculture that could be continued to be used for farming currently occurring on the property. With respect to the requirements of LCP Policy 5.10, the County approval found that the conversion was allowed because the slope and topography of the parcel is not optimal for agricultural use and the proposed design of non-agricultural

development allows for a minimum buffer of 50 feet from the existing farming operations. Two factors from the policy do not apply, as the parcel contains no agriculturally-unsuitable lands, and the project does not involve public service or facility expansions. Finally, regarding continued productivity of the land, the County approval states that the existing dry farming of oat hay and fava beans is “anticipated to continue” on the parcel and that the proposed residential development will minimally affect the potential for growing oat hay in the area of the proposed house, barn, and access driveway. The County analysis does not adequately address the feasibility of continuing agricultural use of the land nor does it provide any assurances as to how agricultural use would be continued and protected on the property in perpetuity with the development in place. The County also did not provide a quantitative analysis of the feasibility of continued or renewed agricultural use of the soils at the site, both for grazing and cultivation, in order to evaluate the proposal for consistency with the agricultural protection policies of the LCP.

Further, conflicts may occur between the approved residential development and continued agricultural activities in the undeveloped portions of the parcel adjacent to the approved residential development. For example, dust, noise, odors, and chemicals commonly associated with commercial agricultural activities may be a nuisance or hazard to future residents. LCP Section 6350 requires the maximum amount of agricultural lands remain in agricultural production by, among other means, minimizing conflicts between nonagricultural development and adjacent agricultural uses as a condition for the approval of non-agricultural development on agricultural lands. The approved development does not include mitigation measures to prevent conflicts between agricultural and new residential use such as a recorded deed restriction to ensure that future use of the property outside of the residential development envelope would be limited to a continuation of agriculture. Therefore, the appeal raises a substantial issue of conformity with agricultural protection policies of the LCP.

Water Supply

The Appellants contend that the approved development converts an existing agricultural well to residential use without ensuring that adequate and sufficient water supplies needed for continued agricultural production in the watershed are not diminished inconsistent with LCP Policy 5.22 (Protection of Agricultural Water Supplies). See **Exhibit 4** for the full text of the Appellants’ contentions. For the specific policy language referenced below, please see the Agriculture Section in the De Novo portion of this appeal report.

LCP Policy 5.22 requires that conversion of land suitable for agriculture must demonstrate that adequate and sufficient water supplies needed for agricultural production are not diminished. The County approval states that the barn and the single-family residence are low intensity water uses and their associated consumption will not affect agricultural uses. County staff conducted additional research in response to inquiry from the Agricultural Advisory Committee regarding availability of water on the property. San Mateo County Health Division verified that the agricultural well was producing 5.7 gallons per minute, which exceeds the minimum required flow rate of 2.5 gallons per minute (domestic water standards) (**Exhibit 5**). However, the County’s approval did not include any quantitative information regarding the water required for existing or potential future agricultural use on the property or the projected water use of the proposed development in order to ensure adequate water supplies for agricultural use would not

be diminished through the well conversion. Thus, the appeal raises a substantial issue with respect to the approved project's conformity with LCP Policy 5.22.

Visual Resources

The Appellants contend that the approved development would result in visual impacts on scenic roads inconsistent with LCP visual and scenic resource protection policies including but not limited to: LCP Policies 8.5 (Location of Development), 8.16(Landscaping), 8.17(Alterations of Landform), 8.18(Development Design), 8.29(Designation of Officially Adopted State Scenic Roads and Corridors), and 8.30(Designation of County Scenic Roads and Corridors). See **Exhibit 4** for the full text of the Appellants' contentions. For the specific policy language referenced below, please see the Visual Resource Section in the De Novo portion of this appeal report.

The LCP includes strong protections for visual and scenic resources along the coast and specifies that new development shall be sited to minimize its visibility from public view corridors. LCP Policy 8.5 requires new development be located on a portion of a parcel where it is least visible from state and county scenic roads, least likely to have a negative effect on views from public viewpoints such as coastal roads and beaches, is consistent with all other LCP requirements, and best preserves visual and open space qualities of the parcel, overall. LCP Policy 8.16(a) requires development to use vegetation to soften visual impacts, and LCP Policy 8.18 requires development to blend with and to be subordinate to the surrounding area, to be as unobtrusive as possible, and to not detract from the natural, open space visual qualities of the area. Finally, LCP Policy 8.17 requires minimal alteration of landforms and topography for new roads and grading and requires development to avoid the need to construct access roads that would be visible from Scenic Roads.

The subject parcel is located at the intersection of scenic State Highway 1 and Stage Road, which is a County scenic road, as designated by LCP Policy 8.30. The County approval found that the residence, barn, and water tanks will be visible from both of these scenic roads. The County's analysis also indicates that the public traveling north on State Highway 1 will be able to see the barn's rooftop and portions of the residence and that a portion of the driveway will also be visible from State Highway 1. The County approval did not include a detailed landscaping plan for screening the development and road to ensure consistency with the LCP visual resource policies. The County approval also did not fully evaluate other project site alternatives on the parcel or a reduced project footprint, specifically a reduction in the size of the barn, which may have further reduced visual impacts of the approved residential project from scenic roads. Thus, the appeal raises a substantial issue with respect to the project's consistency with LCP visual and scenic resource protection policies.

Substantial Issue Conclusion

In this case, four of the five factors that supply guidance to the Commission in appeals favor a determination that the proposed project raises a substantial issue. The extent and scope of the development is small in the sense that it affects one parcel, and the main purpose is to build a house and a barn. However, the County's approval lacks factual and legal support regarding agricultural use and visual resources. Among other concerns detailed above, the County did not evaluate a robust set of alternatives such as a reduced project footprint or ways to use

landscaping to soften the impacts of the development. Most importantly, the approval lacked a strong restriction to limit uses outside the residential development envelope to strictly agricultural uses.

Additionally, the coastal resources of agricultural use, public views, and water supply are significant. In particular, Highway 1 is a hugely popular scenic route. The southern part of San Mateo County is unusual in the Bay Area for its sweeping, rural quality and spectrum of beauty uninterrupted by urban architecture. The continuance of agricultural use in the Coastal Zone is likewise vital as a priority use under the Coastal Act. Both the visual qualities of the existing land, and the protection of agricultural use from conversion to residential uses are important issues that go beyond the locality to affect the region and the state.

Finally, the Commission finds the proposed project raises a substantial issue in order to guide the County's future interpretations of its LCP. As such, the approved project raises substantial issues regarding agricultural land use, water supply and visual and scenic resources. Therefore, the Commission finds that **a substantial issue** exists with respect to the County-approved project's conformity with the agricultural, water supply, and visual resources policies of the certified San Mateo County LCP, and takes jurisdiction over the CDP application for the proposed project.

H. COASTAL DEVELOPMENT PERMIT DETERMINATION

The standard of review for this CDP determination is the San Mateo County certified LCP. All Substantial Issue Determination findings above are incorporated herein by reference.

Revised Project Description

The Applicant has, upon discussions with Commission staff, proposed the following modifications to the project: removal of all windows from the west side of the barn, reduction of the 2,000 square foot barn to a 1,600 square-foot barn, restriction of all proposed development to a 10,000 square foot residential development envelope and recordation of a deed restriction limiting uses for the land outside of the proposed development envelope.

Additional information received from the Applicant after the appeal was filed includes: 1) written evidence from current farmer Mike Iacopi demonstrating that the parcel has been dry-farmed for several years, and dry farming is the most feasible and preferred agricultural use due to the size of parcel and its steep slopes; 2) revised project plans showing removed balcony on east barn elevation, removed west barn windows, and landscaping along the driveway; 3) a letter from the County Farm Bureau (Don McCahon, President) indicating dry farming is the best agricultural practice for the parcel due to the low quality soil types and slope, concurrence with the Agricultural Advisory Committee approval, and confirmation that the proposed project will not diminish agricultural productivity in the San Gregorio watershed; 4) a site plan with 10,000 square-foot residential development envelope (residence and garage); and 5) a detailed list of agricultural equipment to be stored in the barn.

Agriculture

Applicable Policies

The San Mateo County LCP has strong policies designed to protect the significant agricultural economy of the coastal zone, and the productive capability of Planned Agricultural District (PAD). Applicable LCP agricultural policies state in part:

Policy 1.8 Land Uses and Development Densities in Rural Areas

- a. *Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.*
- b. *Permit in rural areas land uses designated on the LCP Land Use Plan Map, and conditional uses up to the densities specified in Tables 1.2 and 1.3...*

Policy 5.3 Definition of Lands Suitable for Agriculture

Define other lands suitable for agriculture as lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.

Policy 5.6 Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture

- a. *Permit agricultural and agriculturally related development on land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purpose, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) dairies; (4) greenhouses and nurseries; and (5) repairs, alterations, and additions to existing single-family residences.*
- b. *Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if affordable housing, (4) public recreation and shoreline access trails, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, rod and gun clubs, and private beaches, (8) aquacultural activities, (9) wineries, (10) timber harvesting, commercial wood lots, and storage of logs, (11) onshore oil and gas exploration, production, and storage, (12) facilities for the processing, storing, packaging and shipping of agricultural products, (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, (15) limited, low intensity scientific/technical research and test facilities, and (16) permanent roadstands for the sale of produce.*

Policy 5.10 Conversion of Land Suitable for Agriculture Designated as Agriculture

- a. *Prohibit the conversion of lands suitable for agriculture within a parcel to conditionally permitted uses unless all of the following can be demonstrated:*

- (1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;*
- (2) Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act;*
- (3) Clearly defined buffer areas are developed between agricultural and non-agricultural uses;*
- (4) The productivity of any adjacent agricultural lands is not diminished;*
- (5) Public service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degraded air and water quality...*

Policy 5.22 Protection of Agricultural Water Supplies

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

- a. The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria: (1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with LCP Policy 1.30, shall demonstrate a safe and adequate well water source located on that parcel, and (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.*
- b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.*
- c. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.*

Zoning Section 6350. Purpose of the Planned Agricultural District

The purpose of the Planned Agricultural District is to: 1) preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production, and 2) minimize conflicts between agricultural and non-agricultural land uses by employing all of the following techniques:

- (a) establishing stable boundaries separating urban and rural areas and, when necessary, clearly defined buffer areas,*

- (b) limiting conversions of agricultural lands around the periphery of urban areas to lands where the viability of existing agricultural use has already been severely limited by conflicts with urban uses, and where the conversion of such land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development,*
- (c) developing available lands not suitable for agriculture before converting agricultural lands,*
- (d) assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and*
- (e) assuring that all divisions of prime agricultural land (except those stated in (b)) and all adjacent development does not diminish the productivity of prime agricultural lands and other land suitable for agriculture.*

Zoning Section 6355. Substantive Criteria For Issuance of a Planned Agricultural Permit

It shall be the responsibility of an applicant for a Planned Agricultural Permit to provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 6350. In addition, each application for a division or conversion of land shall be approved only if found consistent with the following criteria:

A. General Criteria

- 1. The encroachment of all development upon land which is suitable for agricultural use shall be minimized.*
- 2. All development permitted on a site shall be clustered.*
- 3. Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.*

B. Water Supply Criteria

- 1. The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria: (a) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (b) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (1) on that parcel, or (2) on the larger property that was*

subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.

2. *Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.*
3. *All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights...*

F. Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

1. *All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and*
2. *Continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and*
3. *Clearly defined buffer areas are developed between agricultural and nonagricultural uses, and*
4. *The productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and*
5. *Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality...*

Analysis

The protection of agricultural land is a primary goal of the certified San Mateo County Local Coastal Program. Of the approximate 88,000 acres included within the San Mateo County coastal zone, nearly 70% (approximately 61,000 acres) is zoned Planned Agricultural District (PAD). This type of zoned land is either in active agricultural use or has the potential for such use. Agriculture is considered an important component of San Mateo County's economy. In 2011, the San Mateo County Department of Agriculture/Weights and Measures compiled data to examine agriculture in the context of the economy of the coastal area San Mateo County. Specifically, the County agency undertook efforts to look at the "fullest possible range of economic contributions" of agriculture. The total overall economic effect or value of agricultural output or contribution to the County's economy in 2011 was \$216 million dollars.¹ Typical agricultural crops grown in San Mateo County include vegetable crops such as Brussels sprouts and artichokes, field crops such as beans and hay, fruit and nut crops, mushrooms, and floral and nursery crops. There are also significant grazing lands in the County. San Mateo County agriculture, however, is threatened by high land values being driven by land speculation for rural

¹ San Mateo County Department of Agriculture/Weights & Measures, *Economic Contributions of San Mateo County Agriculture*, 2011.

residential development, the transition of productive agricultural land to grazing land or land left fallow, lack of access to water, competition with foreign imports, and the need for additional smaller housing units affordable to new farmers.²

The San Mateo County LCP has strong policies designed to protect the significant agricultural economy of the coastal zone, and the productive capability of PAD zoned lands. This includes policies that generally prohibit the subdivision of prime agricultural land and that severely limit the circumstances under which agricultural lands, such as lands suitable for agriculture, may be converted to non-agricultural uses. The core LCP agricultural protection Policy 1.8(a), in relevant part, states:

Allow new development . . . in rural areas only if it is demonstrated that it will not . . . diminish the ability to keep all prime agricultural land and other land suitable for agriculture . . . in agricultural production.

LCP Policy 1.8(a) is a core policy for agriculture that implements Coastal Act Sections 30241 and 30242 by requiring that new development in rural areas be allowed only if it is demonstrated that it will not have significant impacts on coastal resources, nor diminish the ability to keep all prime agricultural lands and other lands suitable for agriculture in agricultural production.

In addition to the designation of a considerable acreage of rural lands in the PAD, the LCP protects agricultural lands by establishing clear urban/rural boundaries and by limiting the types, locations, and intensities of new development on agricultural lands to those that will not adversely affect agriculture. The LCP agricultural protection policies are further implemented by the PAD zoning regulations, the purpose of which is to “preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land in agricultural production, and . . . [to] minimize conflicts between agricultural and non-agricultural land uses.” Together, the LCP’s agricultural component and the PAD implementation regulations provide a comprehensive program that gives agricultural land uses and associated development a clear and overriding priority for land found on the rural San Mateo County coastside.

LCP Policies 5.5(a) and 5.6(a) specify the limited range of principal permitted uses that are allowable on prime agricultural lands and other lands suitable for agriculture. LCP Policy 5.6(a) states that all of these principally permitted uses are either agricultural production or are directly related to agricultural production or existing residential use on an agricultural parcel. LCP Policy 5.10(a) prohibits the conversion of lands suitable for agriculture to conditionally permitted uses unless certain criteria can be met (see LCP language above). New residential development, whether it is directly related to an agricultural use or not, is not a principally permitted use on either prime agricultural lands or other lands suitable for agriculture in the PAD. Residential uses (such as the subject proposed single-family residence) are conditionally permitted uses that must be closely evaluated prior to authorization of such uses on agricultural land. This assures that the maximum extent of agricultural land on a parcel is retained in

² American Farmland Trust Greenbelt Alliance Sustainable Agriculture Education, Sustaining our Agricultural Bounty, An Assessment of the Current State of Farming and Ranching in the San Francisco Bay Area, January 2011.

agricultural production or preserved for future agricultural use and not encroached upon by non-agricultural development.

The entire subject parcel is designated by the County as Agriculture and is composed entirely of land suitable for agriculture as defined by LCP Policy 5.3. The United States Department of Agriculture, Natural Resources Conservation Service (USDA) soil survey of the parcel indicates that the property includes “moderately steep, eroded, Tierra loam,” “steep, severely eroded, Tierra loam,” and “rough broken land.” The property is not classified as “prime farmland” by the USDA soil survey. Soils on the parcel include Class 4e and Class 7e under the Land Capability Classification respectively as they have “very severe limitations” that restrict the choice of plants that can be grown or require very careful management (or both); and also severe limitations that make them unsuitable for cultivation and that restrict their use to mainly grazing, forestland, or wildlife habitat. The main hazard with these soils is erosion, unless close-growing plant cover is maintained. **(Exhibit 10)**

The subject parcel has been historically dry-farmed and in the more recent years a local farmer, who does not reside on the subject property but leases the property for agricultural use, has been growing fava beans and oat hay under a contract agreement with the Applicant. The objective of the current farming practices is to build-up the soils and to continue to grow fava beans and oat hay for sale. According to the farmer and the San Mateo County Farm Bureau, dry farming is the appropriate agricultural use of the subject property. Agricultural use of the site has very limited feasibility due to poor soils and steep slopes, combined with its proximity to the coast. While, based upon the USDA soil survey, grazing livestock would be an option, the small size of the parcel is a limiting factor for this type of agricultural use. Drought conditions have contributed to the parcel’s low agricultural productivity for the past few years. In April 2015, the current farmer reported he was only able to harvest five boxes of fava beans over the past few years. The farmer further indicates that because of the steep slopes there are approximately only six to seven acres that are actually farmable.

The proposed residential development raises fundamental questions about the conversion of rural land from agriculture to residential use. Right now the entire site is vacant and used for agriculture. The proposed residential use is not proposed to house the current farmer farming the parcel. The proposed residential use is for someone not involved in agricultural production on the parcel. LCP Policy 1.8 allows new development in rural areas only if it does not diminish the ability to keep all lands suitable for agriculture in agricultural production. In addition, LCP Policy 5.10 prohibits the conversion of land suitable for agriculture to a conditionally permitted use unless all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, continued use of the soils is not feasible, clearly defined buffer areas are developed between agricultural and non-agricultural uses, the productivity of any adjacent agricultural lands is not diminished, and public service expansions do not impair agricultural viability. LCP Section 6355 conditionally permits single-family residences to be located upon lands suitable for agriculture in the PAD subject to the issuance of a Planned Agricultural Permit as long as the development meets the requirements outlined in LCP Policy 5.10. LCP Section 6355 also requires that encroachment of all non-agricultural development on land suitable for agriculture be minimized and clustered.

There is no unsuitable agricultural land on the parcel as the entire property is comprised of lands suitable for agriculture. Thus, any development undertaken on the property would be placed on land suitable for agriculture. However, as discussed above, the agricultural use of the site has very limited feasibility due to its size, poor soils and steep slopes. The portion of the property used for growing crops, located on the northwest portion of the parcel, is relatively speaking, the better area for growing plants as indicated by the USDA soil survey. The southeast portion of the site proposed for the residential development is on a portion of the property that has the worst soil and is the least suitable for agricultural uses as indicated by the USDA soil survey. Thus, placement of the residential development at the proposed location will not impair the agricultural viability on the parcel. In addition, there will be at least a 100 foot buffer between the proposed residential development and the areas on the property that are better for growing plants and are actively farmed.

The Applicant indicates that he has a long-term lease (25 years) with the current farmer for cultivation of oat hay and fava beans on the parcel. The farmer currently transports equipment used to farm the land from off-site. The proposed barn will serve as primary storage space for heavy equipment associated with agricultural use; these include a caterpillar to till the soil, seeder, roto tiller, and mower. While the lease and the proposed equipment storage use in the new barn represents a good faith effort by the Applicant to demonstrate that the land will be used for agriculture for at least 25 years, it does not provide assurances of this use in perpetuity. Given increasingly high housing costs, continued agricultural use on coastal property cannot compete with the use of land for residential development even on a large farm parcel or ranch on the San Mateo County coast. The development of non-farming related single-family homes is widely recognized as contributing to the ongoing loss of agricultural production on agricultural land in conflict with the LCP requirement to maintain the maximum amount of County agricultural land in agricultural production.

Conflicts may also occur between residential and agricultural land uses when such uses are in close proximity to each other. These conflicts may include noise, dust, and odors from agricultural operations; trespass and trash accumulation on agriculture lands; road-access conflicts between agriculturally related machinery and automobiles; limitations of pesticide application, urban garden pest transfer, theft, vandalism; and human encroachment from urban lands. Such conflicts can threaten continued agricultural cultivation when its proximity to non-agricultural uses (such as residential) raises issues and/or concerns with standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as dust and noise from machine operations associated with cultivating, spraying, and harvesting), which may post a threat to the non-agricultural uses. One measure identified to address these issues is the recordation of a deed restriction on the subject parcel to ensure that land remains *in* agricultural use as opposed to simply remaining *available* for future agricultural use. These measures have been adopted or are currently under consideration by many jurisdictions throughout the state and nation.

The Applicant has agreed to modify the project description by restricting the residential development on the parcel to a development envelope of 10,000 square feet and by reducing the size of the barn from 2,000 square feet to 1,600 square feet in order to minimize the development's encroachment on land suitable for agriculture consistent with LCP Section 6355. The Applicant has also agreed to record an agricultural deed restriction over the remaining portion of the property located outside of the 10,000 square-foot development envelope to ensure

that the lands suitable for agriculture remain in agricultural production in perpetuity consistent with the principally permitted agricultural uses of the PAD. **Special Conditions 1, 4 and 5** reflect these agreed upon project elements.

To ensure that future property owners are properly informed regarding the terms and conditions of this approval, **Special Condition 6** requires a deed restriction to be recorded against the property involved in the application. This deed restriction will record the conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. These special conditions implement the requirements of LCP Policy 5.10 and Section 6355 by ensuring that conflicts between the proposed residential development and agricultural production on either the project site or adjacent properties do not impair the continued viability of agricultural uses on these lands. The Commission also finds that these measures implement LCP Policies 1.8 and 5.10 by discouraging the continuation of the trend to treat agricultural lands as new residential home sites, where existing and future agricultural use becomes secondary to residential use. Thus, the Commission finds that as conditioned the proposed development is consistent with the LCP agricultural resource protection policies.

The proposed project must be evaluated to determine consistency with LCP requirements regarding the proposed project's potential impact on the availability of water for agricultural use. LCP Policy 5.22 requires that agricultural water supplies not be diminished if non-agricultural development and uses occur on a parcel. The proposed single-family residence and barn are low intensity water uses that will not diminish the existing water supplies available for agricultural uses. San Mateo County Health Division verified that the existing agricultural well was producing 5.7 gallons per minute, which exceeds the minimum required flow rate of 2.5 gallons per minute (domestic water standards) for residential use (**Exhibit 5**). Taking into consideration the production level of the existing well and the evidence provided by the Applicant showing that dry farming is the only type of agriculture conducted on the property, historically and to date (due to constraints of extremely poor soil and proximity to the coast), it is demonstrated that there is adequate water for the proposed non-agricultural uses (**Exhibits 6 and 7**). Thus, the proposed development will not diminish the availability of water for agricultural purposes consistent with Policy 5.22.

Visual and Scenic Resources

Applicable Policies

The San Mateo County LCP provides for the protection of visual resources that include scenic corridors. Applicable LCP visual resource policies state in part:

Policy 8.5 Location of Development

On rural lands and urban parcels larger than 20,000 sq. ft.:

- a. Require that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; (2) is least likely to significantly impact views from public viewpoints; and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve*

them in a manner which on balance, most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

Public viewpoints include, but are not limited to coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

- b. This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development...*

Policy 8.7 Development on Skylines and Ridgelines

- a. Prohibit the location of development in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel...*

Policy 8.16 Landscaping

- a. Use plant materials to integrate the manmade and natural environments and to soften the visual impact of new development.*
- b. Protect existing desirable vegetation. Encourage, where feasible, that new planting be common to the area.*

Policy 8.17 Alteration of Landforms; Roads and Grading

- a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.*
- b. To the degree possible, ensure restoration of pre-existing topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.*
- c. Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built*

to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

Policy 8.18 Development Design

- a. *Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.*

The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.

- b. *Require screening to minimize the visibility of development from scenic roads and other public viewpoints. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.*
- c. *Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.*

Policy 8.19 Colors and Materials

- a. *Employ colors and materials in new development which blend, rather than contrast, with the surrounding physical conditions of the site.*

Policy 8.29 Designation of Officially Adopted State Scenic Roads and Corridors

Recognize officially adopted State Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway south of Half Moon Bay city limits (State Route 1) and Skyline Boulevard (State Route 35).

Policy 8.30 Designation of County Scenic Roads and Corridors

....

- b. *Designate County Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway north of Half Moon Bay city limits (State Route 1), Half Moon Bay Road (State Route 92), La Honda Road (State Route 84), Higgins-Purissima Road, Tunitas Creek Road, Pescadero Road, Stage Road, Cloverdale Road, and Gazos Creek Road (Coast Highway to Cloverdale Road).*

Policy 8.31 Regulation of Scenic Corridors in Rural Areas

- a. *Apply the policies of the Scenic Road Element of the County General Plan.*
- b. *Apply Section 6325.1 (Primary Scenic Resources Areas Criteria) of the Resource Management (RM) Zoning District as specific regulations protecting scenic corridors in the Coastal Zone.*
- c. *Apply the Rural Design Policies of the LCP*
- d. *Apply the Policies for landforms and Vegetative Forms of the LCP.*
- e. *Require a minimum setback of 100 feet from the right-of-way line, and greater where possible; however, permit a 50-foot setback when sufficient screening is provided to shield the structure from public view.*
- f. *Continue applying special regulations of the Skyline Boulevard and Cabrillo Highway State Scenic Corridors.*
- g. *Enforce specific regulations of the Timber Harvest Ordinance which prohibits the removal of more than 50% of timber volume in scenic corridors.*

Analysis

The proposed project site is a 16.5-acre parcel in the unincorporated San Gregorio area of San Mateo County approximately two miles inland from the coast. The parcel is located at the intersection of scenic State Highway 1 and Stage Road, which is a County-designated scenic road (LCP Policies 8.29 and 8.30). This inland part of the coast is primarily rural in character with little development and agricultural land uses dominate the area. The proposed project site is a parcel utilized for farming, is undeveloped and surrounded by rolling hills, open space, and other farmland (**Exhibit 8**). There is a small drainage at the north end of the parcel and a ravine, i.e., a narrow streambed of San Gregorio Creek, on the east. Existing development in the surrounding area that can be seen from Highway 1 consists of a short driveway and metal gate on property located on property to the west of Highway 1, which is westerly of the proposed project location. The rest of the viewshed is typically rural and unobstructed by development, thus the viewshed is a valuable visual resource for travelers utilizing the two scenic roads that abut the property, State Highway 1 and Stage Road.

LCP policies provide for the protection of visual resources that include this scenic corridor, which has a distinct rural and natural character. The LCP recognizes the value of the scenic corridor and requires that visual impacts of new development be minimized by requiring screening/landscaping from views, designing structures to blend in with the natural surrounding areas, the use of natural exterior colors and materials, and appropriate siting of proposed development. LCP Policy 8.5(a) requires that new development be located on a portion of a parcel where the development is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, is consistent with all other LCP requirements, and best preserves the visual and open space qualities of the parcel overall. LCP

Policy 8.16(a) requires development to use vegetation to soften visual impacts, and LCP Policy 8.18 requires development to blend with and to be subordinate to the surrounding area, to be as unobtrusive as possible, and to not detract from the natural, open space visual qualities of the area. Finally, LCP Policy 8.17 requires minimal alteration of landforms and topography for new roads and grading and requires development to avoid the need to construct new access roads that would be visible from Scenic Roads.

The proposed development includes a one-story, single-family residence approximately 16 feet tall (15' 8"), a two-story barn 26 feet in height, and three, six-foot tall water tanks. All of the development is located and clustered at the southern end of the parcel with the two major structures setback more than 500 feet from State Highway 1 (west of the property) and 1,500 feet from Stage Road. The proposed driveway is 969.28 feet long and approximately 16 feet wide, is accessed via Highway 1, and runs parallel to Highway 1. The subject parcel has steep hills with an average slope of 18% and the proposed site for the residence has a slope of approximately 15%. The residence is sited on the southern portion of the property at an elevation below the elevation of the road. The site is sloped to the south allowing for the structure to be constructed in a manner that insets it into the side of the hill. This will reduce the impact on views from the road as one travels to the south. Approximately six feet of the residence would be visible from Highway 1.

The Applicant considered four alternative locations for siting the proposed residence and garage component of the project (**Exhibit 9**). Each of the locations presented advantages and disadvantages with respect to impacts on coastal resources, including visual and agricultural resources, and landform alteration of the property. Location A (identified as the original location considered by the Applicant) is in the center of the parcel and a more conspicuous site, as it can more easily be seen from State Highway 1. It would also locate the residential portion of the proposed development closer to the portion of the property used for growing oat hay, thus potentially having greater impact on the ongoing viability of agricultural use of the site and reducing the buffer between uses. Alternative locations B and C are more visible from both scenic roads, have steeper slopes and would require more grading. These alternative locations would also bring the non-agricultural development closer to the agricultural production activities on the parcel. Additionally, these alternative locations are closer to the ravine located on the parcel at the northern end and the San Gregorio drainage east of the subject parcel. With respect to the proposed driveway access, the Applicant considered alternative access to the site via Stage Road but this would require significantly more grading than the proposed location. Thus, Location D, the proposed project site in the preferred alternative is the most consistent with LCP policies for the protection of visual resources as discussed above, as well as agricultural resources, discussed in the Agriculture section.

The proposed project includes specific elements and has been further modified to reduce visual impacts. The water tanks will be buried two feet into the ground such that only four feet of each tank will be above ground. Minimal windows are incorporated in the barn design and would only be placed on the east side of the barn, which faces away from Scenic Highway 1 and is not visible from Stage Road. The size of the barn has been reduced from the original proposal, is more commensurate with the rural setting and would have a less dominating appearance over the natural character of the parcel. **Special Condition 1** requires that the proposed modifications be

incorporated into the final project plans. This condition also requires that the barn be designed to have a more rustic appearance and that the exterior colors of the barn and residence use earth-tone colors and natural materials to blend in with and complement the surrounding natural environment. **Special Condition 1 and 3** also require a revised landscaping plan requiring the use of lower growing, native plant species to screen the driveway and detailed information regarding species, sizes, and planting locations for all vegetation planted to screen all the non-agricultural proposed uses (the driveway, barn, residence, attached garage and water tanks) to ensure the project is screened consistent with LCP Policy 8.16. The proposed project, as conditioned with these design elements is consistent with LCP visual resource policies 8.19, 8.18, 8.16, and 8.7.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

San Mateo County, acting as lead agency, conducted an environmental review for the proposed project as required by CEQA and issued an Initial Study/Mitigated Negative Declaration. Mitigation measures address erosion controls, landscaping requirements, softening of visual impacts, and construction controls such as limits on noise and time periods, among others.

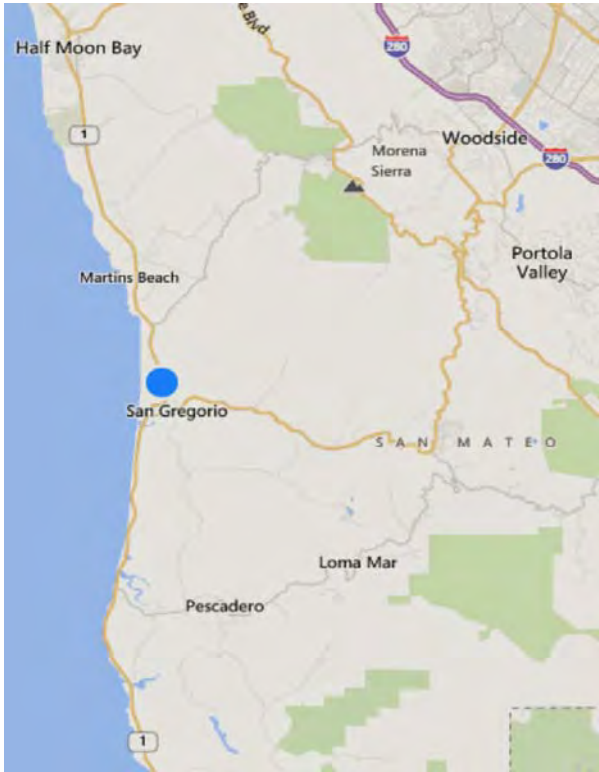
The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues associated with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

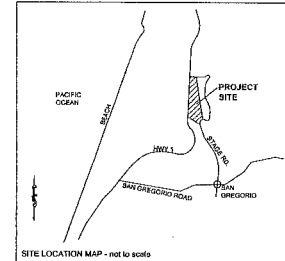
APPENDICES

Appendix A – Substantive File Documents

1. Initial Study/Mitigated Negative Declaration, County of San Mateo Planning and Building Department. March 24, 2010
2. Economic Contributions of San Mateo County Agriculture, Agricultural Impact Associates LLC under contract to the San Mateo County Department of Agriculture/Weights & Measures. 2011.
3. San Mateo County Record received in North Central Coast District Office on May 18, 2010.



McGREGOR RESIDENCE
HOME AND BARN CONSTRUCTION
CABRILLO HIGHWAY
SAN GREGORIO
APN 081-030-010



SECTION AND DETAIL CONVENTION

SECTION OR DETAIL
EXTENSION

REFERENCE SHEET NO. ON
WHICH SECTION OF
DETAIL IS SHOWN

REFERENCE SHEET NO. ON
WHICH SECTION OF
DETAIL IS SHOWN

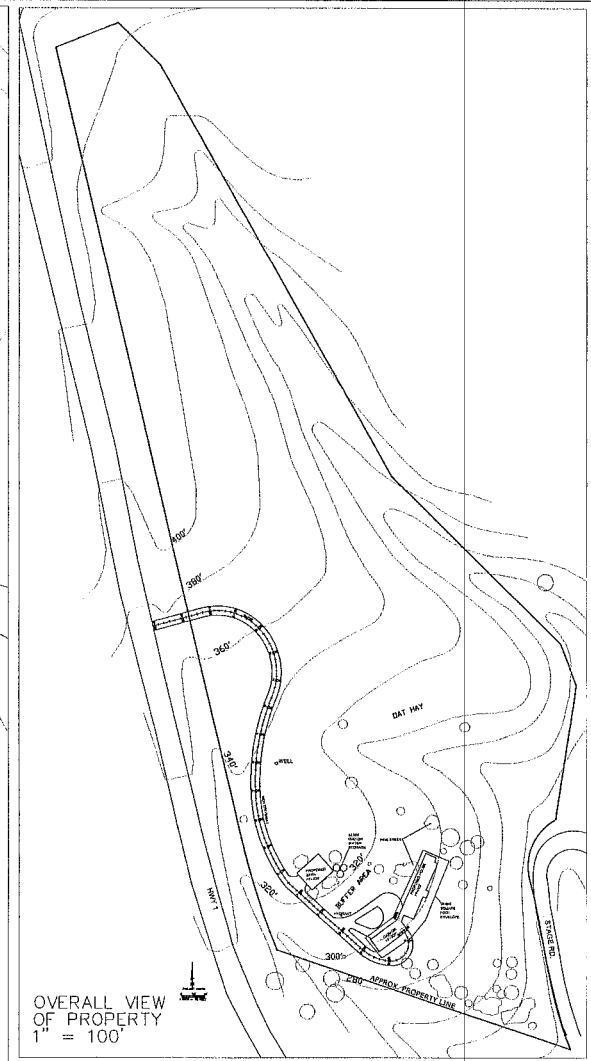


Sigma Prime Geotechnical, Inc.
SIGMA PRIME GEOTECHNICAL, INC.
HALF MOON BAY, CA 94019
650/753-3590
650/753-6975

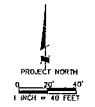
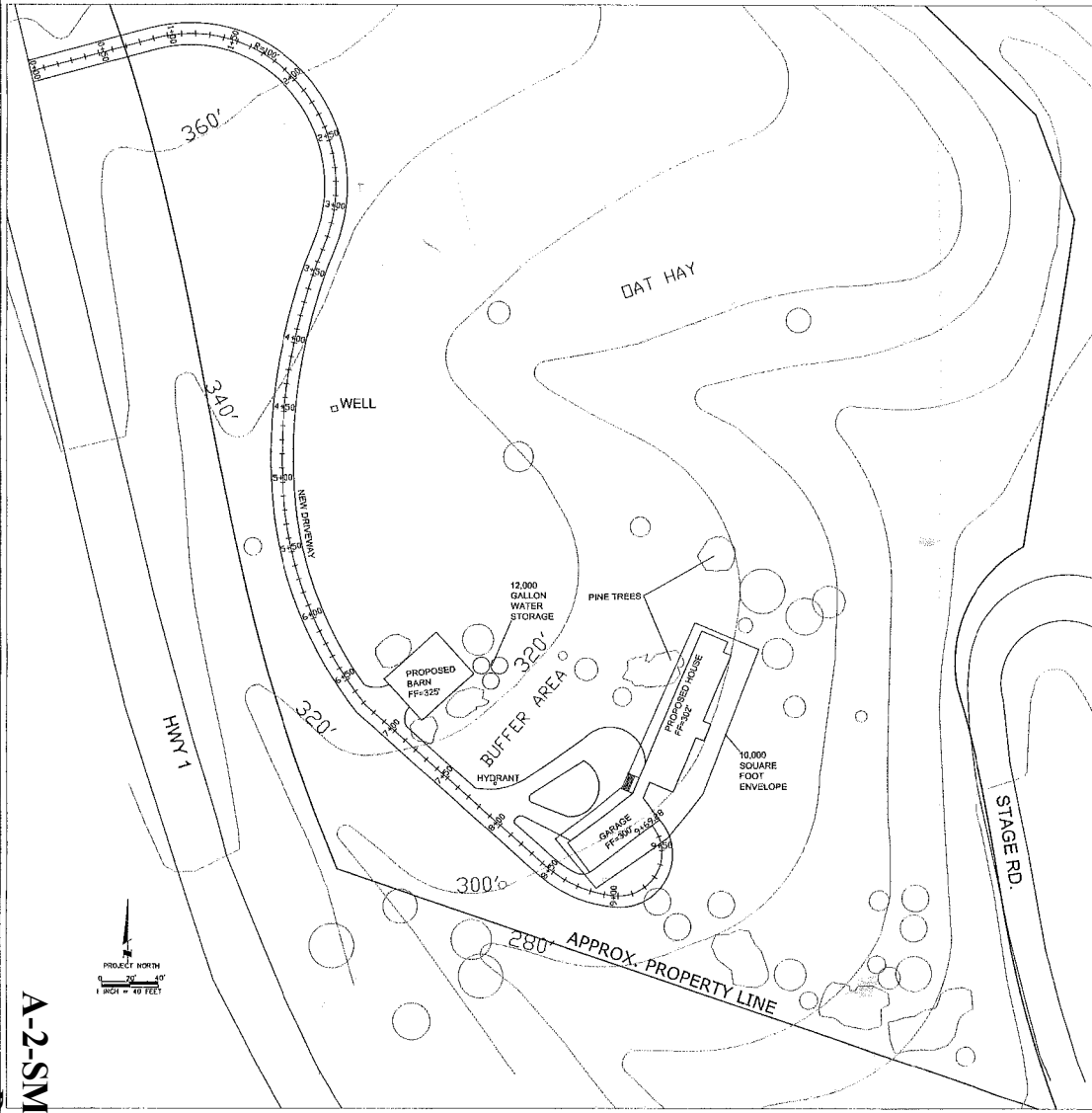
DATE: 12-20-14
DRAWN BY: CHK
CHECKED BY: CHK
REV. DATE
REV. DATE
REV. DATE

SITE AND DRIVEWAY
PLAN

SHEET
C-1



OVERALL VIEW
OF PROPERTY
1" = 100'



PURPOSE OF WORK

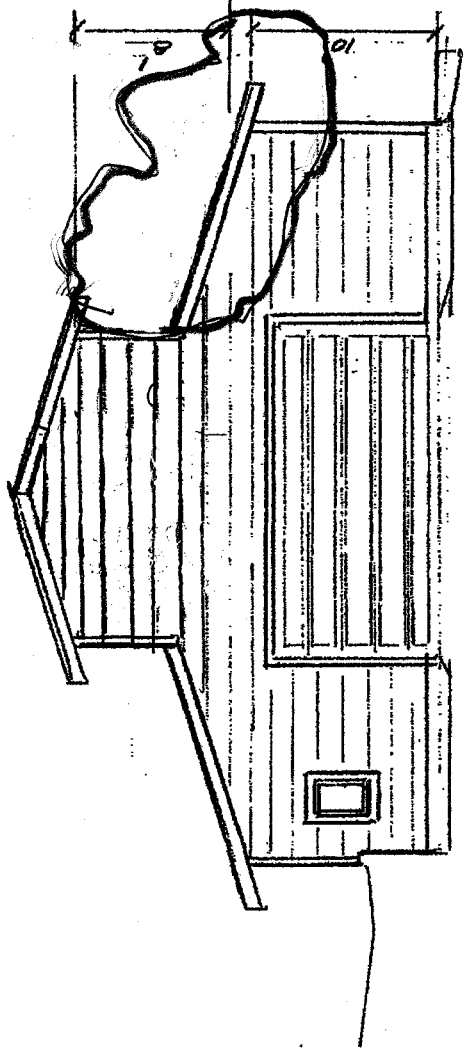
TO CONSTRUCT A HOUSE AND BARN, WITH NEW DRIVEWAY.

GENERAL NOTES

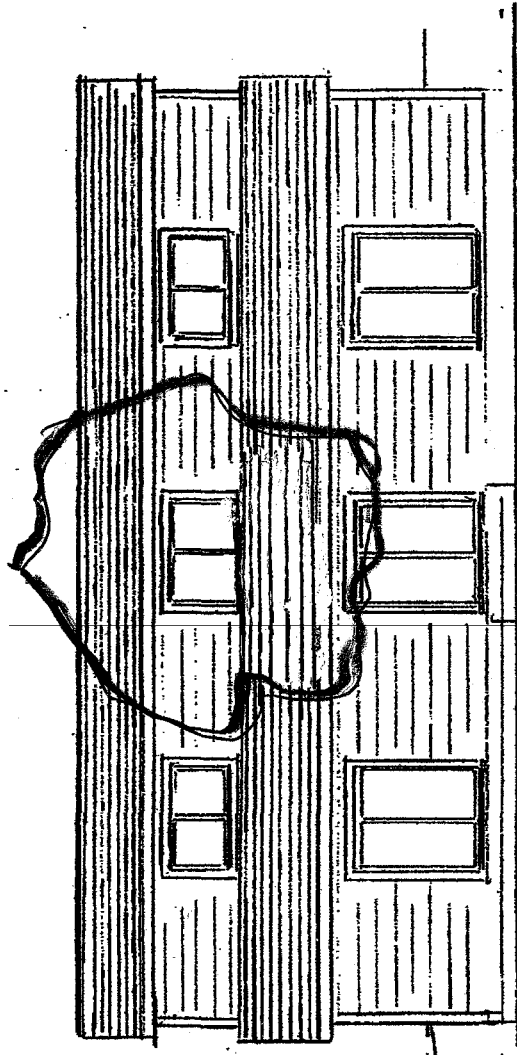
1. PLANS PREPARED AT REQUEST OF: PAUL MCGREGGOR, OWNER, P.O. BOX 410, MONTARA, CA 94037
2. NORTH IS APPROXIMATE
3. ELEVATION CONTOURS FROM SAN MATEO COUNTY MAP, 1"=400' SCALE
4. CONTOUR INTERVAL IS 20 FEET
5. PROPERTY LINES APPROXIMATELY SHOWN. THIS IS NOT A BOUNDARY SURVEY
6. 10,000 SQUARE FOOT ENVELOPE INCLUDES NON-AGRICULTURAL USES FOR THE PROPERTY.
7. BUFFER AREA BETWEEN BARN AND HOUSE TO BE DRY-FARMED.
8. PLANTING AREA TYPICALLY DRY-FARMED CAT-HAY, NORTH OF BARN AND NORTH-EAST OF ACCESS ROAD.

NOTES ON ACCESS ROAD:

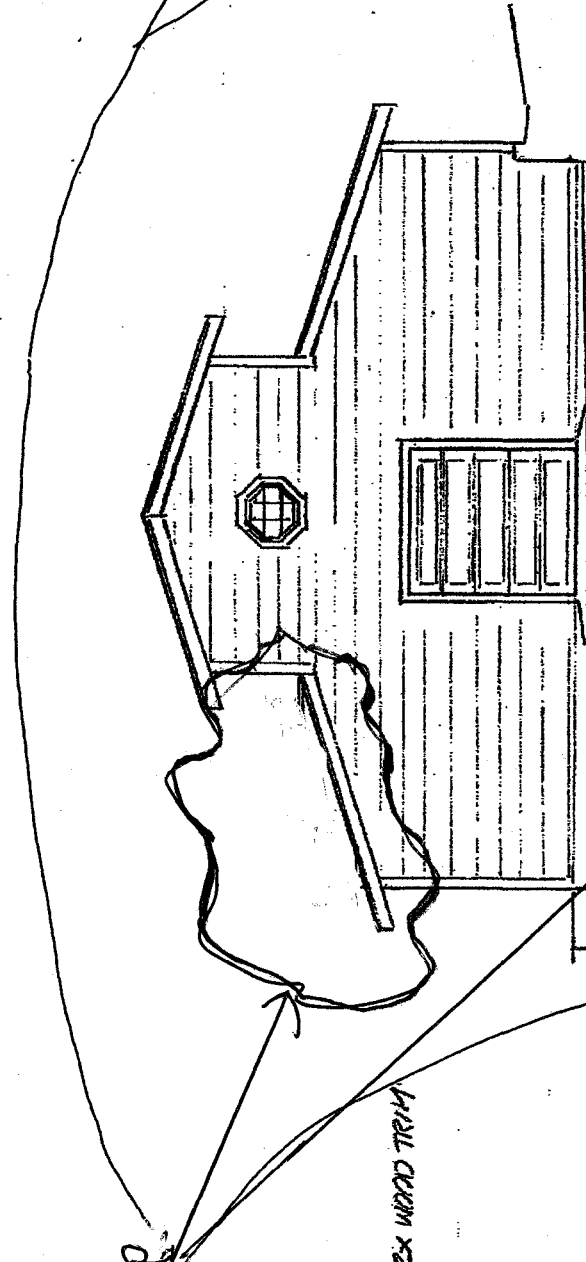
- 1) Width = 15'
- 2) Total length of driveway = 959.26'
- 3) Area of Driveway = 15,500 SF
- 4) Maximum grade = 18%
- 5) Minimum radius of curvature (centerline) = 100'
- 6) Road will be gravel, except where steeper than 15%, then will be asphalt.



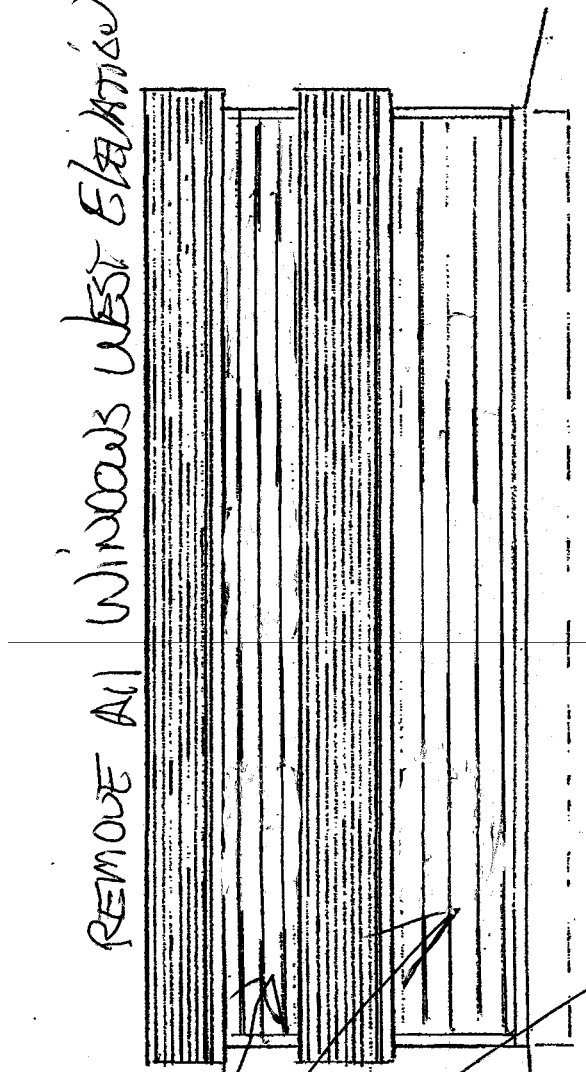
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

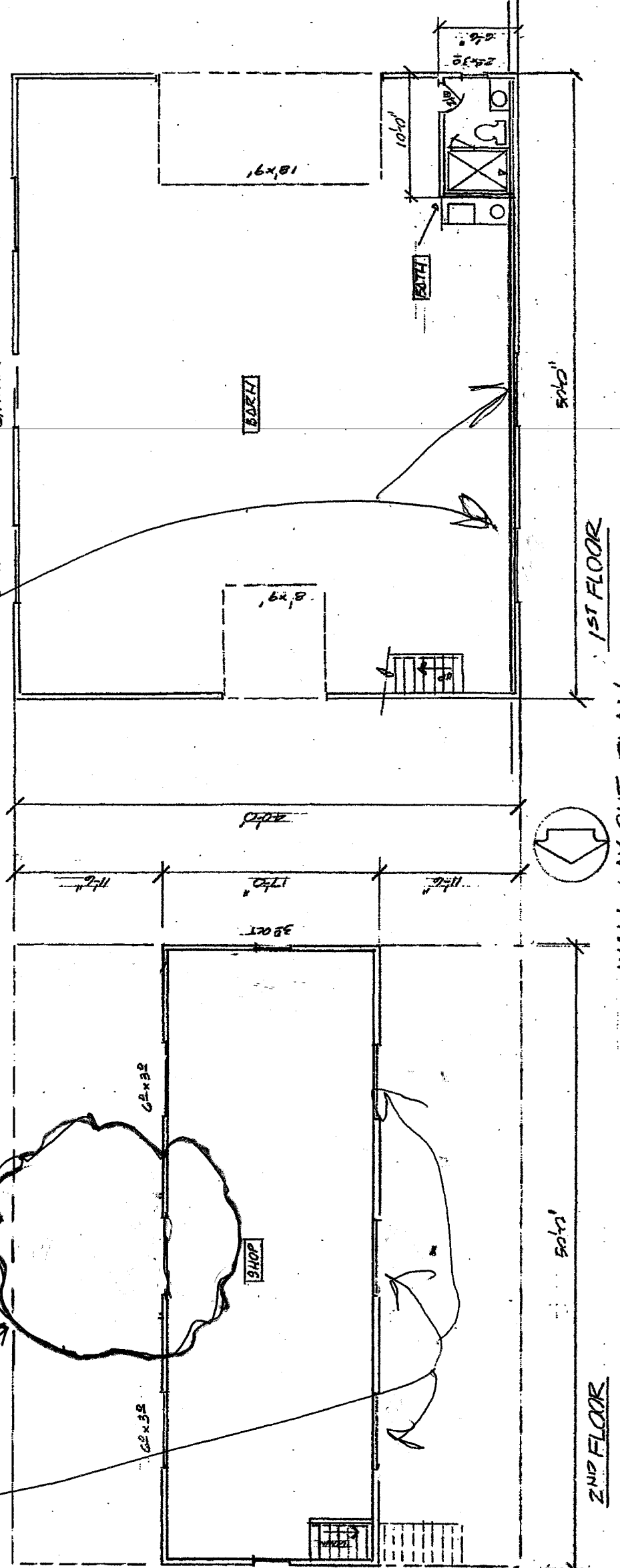


WEST ELEVATION

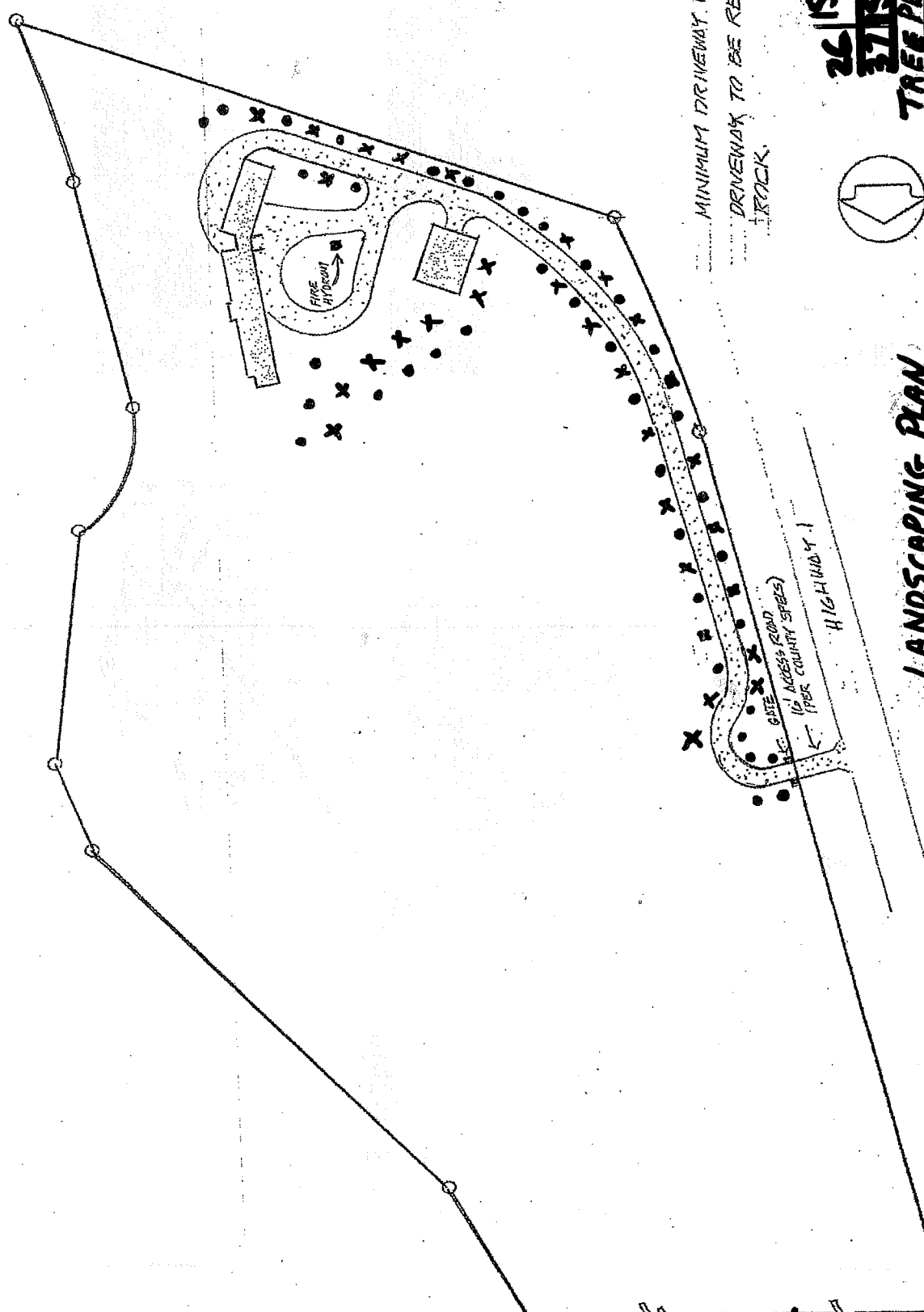
REMOVE ALL WINDOWS WEST ELEVATION

REVISED AREA TYP.

- ROOF COMPOSITION SHINGLE
- SIDING HARDI-BOARD HORIZ. w/ 2x WOOD TRIM
- WINDOW VINYL DUAL PANE.



REVISED BARN



LANDSCAPING PLAN

OWNER: BUILDER MCGREGOR CONSTRUCTION
 A.P.N. 81-090-010 SAN GREGORIO, CA

PLANS BY PETER SANO

Exhibit 2

A-2-SMC-10-016



San Mateo County

Planning and Building Department ■ 455 County Center ■ Redwood City
California 94063 ■ Planning: 650/363-4161 ■ Building: 650/599-7311 ■ Fax: 650/363-4849

April 14, 2010

2-SMC-05-016

NOTICE OF FINAL LOCAL DECISION
Pursuant to Section 6328.11.1(f) of the San Mateo County Zoning Regulations

CERTIFIED MAIL

California Coastal Commission
Nr. Central Coast District Office
Attn: Ruby Pap Coastal Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RECEIVED

APR 15 2010

CALIFORNIA
COASTAL COMMISSION

County File No. : PLN2004-00524

Applicant Name: PAUL MCGREGOR
Owner Name: PAUL MCGREGOR

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on **March 24, 2010**. The County appeal period ended on **April 7, 2010**. Local review is now complete.

This permit IS appealable to the California Coastal Commission; please initiate the California Coastal Commission appeal period.

If you have any questions about this project, please contact OLIVIA BOO at (650) 363-1818

OLIVIA BOO
[Signature]
Project Planner

[Signature]

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

Please reply to: **Olivia Boo**
(650) 363-1818

March 25, 2010

RECEIVED

APR 15 2010

CALIFORNIA
COASTAL COMMISSION

Mr. Paul McGregor
P. O. Box 370490
Montara, CA 94037

PROJECT FILE

Dear Mr. McGregor:

Subject: LETTER OF DECISION
File Number: **PLN2004-00524**
Location: Intersection of Stage Road and Cabrillo Highway,
San Gregorio
APN: 081-030-010

On March 24, 2010, the San Mateo County Planning Commission considered a Coastal Development Permit, Planned Agricultural District Permit, Grading Permit and Architectural Review to construct a new 4,688 sq. ft. single-family residence with an attached garage, a 2,000 sq. ft. barn, a septic system/leach field, placement of three water tanks, conversion of an agricultural well to domestic well, grading associated with a new driveway, and removal of four pine trees. The parcel is located in the southeast corner of the intersection of Stage Road and Cabrillo Highway in the unincorporated San Gregorio area of San Mateo County. The project site is located within the Cabrillo Highway State Scenic Corridor and the project is appealable to the California Coastal Commission.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission made the required findings and approved the project indicated above as shown on Attachment A.

Mr. Paul McGregor
March 25, 2010
Page 2

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on April 7, 2010.**

This approval is appealable to the California Coastal Commission. Any aggrieved person who has exhausted local appeals may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the County's final decision. Please contact the Coastal Commission's North Central Coast District Office at (415) 904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

If you have questions regarding this matter, please contact the Project Planner listed on page one.

Sincerely,



Rosario Fernandez
Planning Commission Secretary
Pcd0324U_rf(McGregor).doc

Enclosures: Attachment A
San Mateo County Survey

cc: Tom Carey
Marshall Hunt
Lennie Roberts
Kerry Burke
Leslie Phipps

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2004-00524

Hearing Date: March 24, 2010

Prepared By: Olivia Boo, Project Planner

Adopted By: Planning Commission

FINDINGS

Regarding the Mitigated Negative Declaration, Found:

1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines. An Initial Study and a Mitigated Negative Declaration were prepared and issued with a public review period from February 8, 2010 to March 1, 2010, per CEQA.
2. That, on the basis of the Initial Study and comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. The mitigation measures contained in the Mitigated Negative Declaration and the conditions of approval in this document adequately mitigate any potential significant effect on the environment.
3. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into a Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6. The property owners have agreed to comply with the mitigation measures contained in the Mitigated Negative Declaration. In addition, applicable mitigation measures have been incorporated as conditions of approval for this project.
4. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.

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, as discussed in the staff report under Section A.2, including protection of *Archaeological/Paleontological Resources, Agricultural Water Supplies, and Sensitive Habitats*.
6. That the project conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program (LCP) as discussed in the staff report under Section A.2. The project, as conditioned, complies with all of the applicable LCP policies for new development, agriculture, and visual resources.

Regarding the Planned Agricultural District Permit, Found:

7. That the encroachment of all development proposed by this project upon land, which is suitable for agricultural use, has been minimized. *The new single-family residence and barn will be clustered at the southern end of the parcel, thereby minimizing encroachment to land which is suitable for agricultural use. The remainder of the parcel can continue to be used for dry farming.*
8. That all development permitted on-site is clustered. *The new single-family residence and barn will be clustered at the southern end of the parcel.*
9. That the project conforms to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code. To conform with the Development Review Criteria, the project has been conditioned to incorporate the following: (a) designed to cluster development as much as feasible; (b) all proposed landscaping shall be included in a landscape plan and reviewed by a certified biologist; (c) with the mitigation measures in place, there is no impact anticipated to primary wildlife or special plant species or habitats; (d) all proposed exterior lights that are focused downwards to avoid impacting adjacent properties; (e) the project shall employ earth-tone hues so that the structures blend with the surroundings; (f) tree removal is limited to the proposed four trees; (g) all proposed utilities are required to be located underground; (h) the Environmental Health Division has given preliminary approval of the proposed conversion from agricultural well to domestic well; (i) the proposed septic system has been reviewed by the County's Environmental Health Division and found to be in compliance with the County's Septic Ordinance; (j) if any archaeological discovery is made during construction, all activity must halt until further investigation; (k) staff confirmed based on recent hazard information, the earthquake fault is not considered to pose a significant impact to this site; (l) the driveway will be minimally visible at the sited location and is not expected to be

visible traveling either direction of Cabrillo Highway due to the topography in the immediate surroundings of the driveway; and (m) implementation of Mitigation Measure 5 will reduce any indirect impacts to wildlife or special habitat to less than significant.

10. That all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable. *The parcel does not contain any agriculturally unsuitable lands.*
11. That continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. *Although the applicant is currently dry farming, the land topography, with a few hills and ravines, has an average 18% slope, and is not optimal for agricultural use.*
12. That clearly defined buffer areas are developed between agricultural and non-agricultural uses. *Cabrillo Highway serves as a buffer between the nearby tree farm, located at 19509 Cabrillo Highway. On the project site, a small hill and ravine, and 1,000 feet of land separate the proposed building site from existing fava bean cultivation. Further, a 50-foot distance buffers existing oat hay cultivation from the proposed development.*
13. That the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing. *The adjacent agricultural use will not be impacted. Only the cultivation of oat hay will be minimally impacted, where the residence, barn, driveway and water tanks will be located.*
14. That public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. *The project does not involve the expansion of a public service or facility. The barn and house, as located at the southern portion of the property, are clustered to minimize impact to agricultural viability to the site. With exception of the barn and residence and the proposed water tanks located further north, the parcel will continue to be dry farmed with oat hay and fava beans and agricultural activity is not impaired.*

Regarding the Water Supply, Found:

15. That the existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses. *The proposal includes a well conversion from agricultural to domestic use. The conversion has been reviewed by the Environmental Health Division and determined to comply with the County's Environmental Health Ordinance and is not expected to have a negative impact to groundwater resources.*
16. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat

protection in the watershed are not diminished. *The proposal includes a well conversion from agricultural to domestic use. The conversion has been reviewed by the Environmental Health Division and determined to comply with the County's Environmental Health Ordinance and is not expected to have a negative impact to groundwater resources.*

17. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights. *The project does not involve a subdivision and therefore this criterion is not applicable.*

Regarding the Grading Permit, Found:

18. That the granting of the permit will not have a significant adverse effect on the environment due to the fact that the proposed grading will be subject to conditions of approval that include pre-construction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Ordinance. *A Negative Declaration with mitigation measures was published on February 8, 2010. The grading work is subject to review and approval by the County's Geotechnical Section. With the mitigation measures implemented, significant adverse effects will be mitigated and impacts will be reduced to less than significant.*
19. That the project conforms to the criteria of this chapter, including the standards referenced in Section 8605. *These standards are addressed through the erosion and sediment control measures that have been required, must remain in place, and will be monitored throughout construction. A dust control plan must be submitted for approval and implemented on the site. The proposed grading was prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works and grading is only allowed during October 15 and April 15. In addition, the project is required to get a National Pollutant Discharge Elimination System (NPDES) Permit.*
20. That the project is consistent with the General Plan with respect to grading allowed on land designated as Agriculture and along a Scenic Corridor. *The existing agriculture is minimally impacted and any visual impact is minimized.*

Regarding the Architectural Review in a State Scenic Corridor, Found:

21. That the proposal is in compliance with the development and architectural design standards for the Cabrillo Highway State Scenic Corridor and Stage Road County Scenic Corridor. *The proposed barn will be located 500 feet away from the edge of the Cabrillo Highway right-of-way. The architectural character of the barn has been conditioned to use earth-tone colors and materials to complement the natural character of the area. Implementation of earth-tone materials and colors will help minimize potential visual impacts on scenic views.*

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal as described in this report and plans approved by the Planning Commission on March 24, 2010, which includes the requirement that the balcony must be removed from the construction drawings for the Barn. Minor adjustments to the project in the course of applying for building permits 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 conditional approval for the grading permit shall be valid for one year from the date of this letter. If the grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) has not been issued within this time period, this approval will expire. An extension to this approval will be considered upon written request and payment of applicable fees 60 days prior to expiration. The grading permit shall only be issued concurrently with the building permit as required below in Condition of Approval No. 4.
3. The Coastal Development Permit and Planned Agricultural District Permit shall be valid for one year, in which time the applicant shall be issued a building permit for the construction of a single-family residence. Any extension of these permits shall require submittal of an application for permit extension at least 30 days prior to the permits' expiration.
4. The applicant shall apply for and obtain a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the California Department of Forestry and develop in accordance with the approved plans and conditions of approval.
5. Unless approved in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion. The applicant shall submit a letter to the Current Planning Section, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin.
6. Prior to the issuance of a grading permit, if the applicant submits a grading plan which shows significant deviation from the grading shown on the approved plans, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Community Development Director (Director), or his/her designee, shall review the plan for a finding of substantial conformance. If the Director fails to make such a finding, the applicant shall process a revised grading permit and/or site development application for consideration by the Planning Commission at a public hearing. Additionally, if the requested changes require it, the applicant shall process a new environmental assessment for determination by the decision-making entity.

Exhibit 3

A-2-SMC-10-016

Page 8 of 20

7. For the final approval of the grading permit, the applicant shall ensure the performance of the following activities, within thirty (30) days of the completion of grading:
 - a. The engineer shall submit written certification that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, conditions of approval, and the Grading Ordinance (as required by Condition 32, below), to the Department of Public Works and the Current Planning Section.
 - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Building Inspection Section's Geotechnical Engineer and the Current Planning Section.

8. Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the engineer of record and approved by the Department of Public Works and the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer. The engineer shall be responsible for the following:
 - a. Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation, as it deems necessary.
 - b. It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.
 - c. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 8606.5 of the Grading Ordinance.
 - d. At the completion of work, the engineer who prepared the approved grading plan shall certify, in writing, that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Ordinance.

- e. At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of Section 8606.6 of the Grading Ordinance.
9. Prior to the issuance of the grading permit "hard card," the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:
 - a. Water all construction and grading areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - c. Pave, apply water two times daily, or apply (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.
 - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 10. Prior to the issuance of building permits, the applicant shall obtain a National Pollution Discharge Elimination System (NPDES) Permit. The applicant shall provide documentation, which demonstrates the project's compliance and ensures that water quality standards are being met prior to discharge into the State right-of-way, to the satisfaction of both the California Department of Transportation and the San Mateo County Planning Department. A copy of the permit shall be submitted to the Planning Department prior to issuance of a building permit.
 11. To reduce the impact of construction activities on neighboring properties, comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include, but not be limited to tractors, back hoes, cement mixers, etc.

- c. The applicant shall ensure that no construction related vehicles shall impede through traffic along the Cabrillo Highway right-of-way. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Cabrillo Highway. There shall be no storage of construction vehicles in the public right-of-way.
12. All outdoor lighting shall be required to be directed downward or hooded to prevent glare.
13. Only those four trees approved for removal shall be removed. Any additional tree removal is subject to the San Mateo County Tree Ordinance and will require a separate permit for removal.
14. Landscaping shall be required on the west and north sides of the house and barn, set back 30 feet from the structures, per Cal-Fire standards, along the southwest corner property lines facing Cabrillo Highway, and the south side and north side of the water tanks, to soften the visual impact from the highway and Stage Road. Prior to the issuance of a building permit, a landscape plan, conforming with these requirements, shall be submitted to and approved by the Planning Department.
15. Prior to the issuance of a building permit, the applicant shall obtain a well conversion permit and a permit to operate the well as a domestic water source from the San Mateo County Environmental Health Division.
16. The applicant shall apply and receive a permit for the septic system from the San Mateo County Environmental Health Division.
17. An encroachment permit shall be required from CalTrans for all work proposed in the Cabrillo Highway right-of-way. CalTrans review will ensure that no improvements are allowed in or near the public right-of-way, which will create a traffic hazard. A copy of the permit shall be submitted to the Planning Department prior to the issuance of a building permit.
18. Any revisions to the drainage plan shall be reviewed by CalTrans to ensure that runoff does not enter Cabrillo Highway right-of-way.
19. The barn shall not be used for residential or habitable purposes.
20. The water tanks shall be painted an earth-tone hue to blend with natural surroundings.
21. The applicant shall be required to use earth-tone colors and natural materials to blend in with and complement the surrounding natural environment. Prior to issuance of a building permit, the applicant shall submit the proposed colors and materials to the Planning Department for review and approval by the Community Development Director. All exterior colors and

construction materials shall be of deep earth hues such as dark brown, greens and rust. The applicant shall utilize roof materials that perform as a "cool roof." Roof colors shall be medium toned and subject to the approval of the building permit for this project. Prior to final Planning approval of the building permit for this project, the applicant shall submit hard copy photos of the completed barn, residence and water tanks to the Planning Department to verify that the approved colors and materials have been implemented.

22. The water tanks shall be buried 2 feet of the 6 feet.
23. The waterline from the water tanks to the house and barn shall be a minimum of 36 inches deep.
24. The water tanks shall be painted an earth-tone color and be screened by 15-gallon and 24-inch box cypress tress.
25. At time of application for a building permit for the barn, the construction drawings shall indicate no balcony on the 2nd floor of the structure.

The following are Mitigation Measures from the Negative Declaration

26. **Mitigation Measure 1:** The applicant shall submit an updated geotechnical report at the building permit stage and shall receive approval and conditions by the County's Geotechnical Section prior to building permit issuance.
27. **Mitigation Measure 2:** No grading activities shall commence until the applicant has been issued the following: (1) a building permit by the Building Inspection Section for the proposed residence, barn and access driveway and septic/leach field and (2) a grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) by the Current Planning Section.
28. **Mitigation Measure 3:** Prior to the issuance of the grading permit "hard card," the applicant shall submit to the Planning Department for review and approval an erosion control plan to mitigate any erosion resulting from project-related grading activities, which shows how the transport and discharge of pollutants from the project site will be minimized. The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into local drainage systems and water bodies by adhering to the San Mateo Countywide Water Pollution Prevention Program's "General Construction and Site Supervision Guidelines. Prior to the commencement of operations, the applicant shall schedule an erosion control inspection with the Building Inspection Section to demonstrate that the approved erosion control plan has been implemented.

- 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 straw bales or coir netting, and passive measures, such as revegetating disturbed areas with vegetation that is compatible and native with the surrounding environment and area.
 - b. Storing, handling, and disposing of construction materials and wastes so as to avoid their contact with stormwater.
 - c. Using sediment controls or filtration to remove sediment when dewatering site and obtaining all necessary permits.
 - d. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat wash water.
 - e. Delineating with field markers clearing limits, setbacks, and drainage courses.
 - f. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - g. Performing clearing and earth-moving activities only during dry weather.
 - h. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
 - i. Limiting construction access routes and stabilizing designated access points.
 - j. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - k. The contractor shall train and provide instruction to all employees and subcontractors regarding the construction best management practices (as listed above).
29. **Mitigation Measure 4:** The applicant will also be required to submit a post-construction erosion control plan and landscape plan to be approved by the Planning Department.
30. **Mitigation Measure 5:** In order to prevent erosion and concomitant damage to stream water quality and fishery habitat, the grading operations should not occur within 50 feet of the channel bottom along the eastern boundary of the property. In addition, grading should be limited to the dry season, and BMPs should be used to prevent runoff from eroding the soil.

31. **Mitigation Measure 6:** Erosion control mixes should not contain species that could invade and displace native plants. Native seeds should be used for erosion control, and any straw used for erosion control after construction should be weed free. A review of the landscape plan, as required by Condition No. 15, by a qualified biologist shall be required before approval. The proposed mitigation will reduce the identified impact to less than significant levels.
32. **Mitigation Measure 7:** The Planning Department will require submittal of a hard copy letter from a qualified biologist stating he/she has reviewed and approves the landscape plan. This letter will be kept on file with the Planning Department. Planning Department approval of the landscape plan will not be issued without the qualified biologist's approval letter.
33. **Mitigation Measure 8:** The applicant shall indicate the use of solid core exterior doors, double pane windows, and weather-stripping on the construction set of plans aimed to help reduce outdoor noise. An extensive landscape plan that includes mature trees and shrubs will help further reduce traffic noise. The applicant shall demonstrate use of these noise mitigation features at the building permit application stage.
34. **Mitigation Measure 9:** Construction activities shall be limited from 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.
35. **Mitigation Measure 10:** The applicant shall submit a landscape plan prepared by a landscape architect or certified arborist for review and approval by the Current Planning Section. The landscaped areas shall be designed to be water efficient, require minimal use of fertilizers, herbicides and pesticides, and soften and screen the south building elevation. Specifically, the plan shall meet the following requirements:
 - a. All exposed soil areas that do not contain trees or shrubs shall be covered with a combination of turf or groundcover and/or a minimum of 2 inches of mulch.
 - b. Landscaping shall be limited to a mix of native 15-gallon and 24-inch box cypress trees and groundcover of an indigenous, non-invasive species.
 - c. Landscaping shall include a variety of 15-gallon and 24-inch box trees that are native to the coastal environment, to further screen the house and barn.
 - d. The applicant shall also submit a letter prepared by a qualified biologist stating he/she has reviewed and approves the landscape plan.

- e. Photographs of the planted landscaping shall be provided to the Planning Department as proof of compliance with this condition and before a final sign off by the Current Planning Section on the building permit.

The plan shall be included as part of the project's building permit application and construction plans. Compliance with this condition is required prior to the Current Planning Section's approval of construction plans. Prior to the issuance of a Certificate of Occupancy for this project, the applicant shall perform the required plantings and submit a maintenance surety deposit of \$1,000.00 to the Current Planning Section to ensure the maintenance of required trees and other landscaping, as shown on the approved landscaping plan. Maintenance shall be required for two (2) years. The Current Planning Section shall only allow release of the maintenance surety upon inspection by Planning staff two (2) years after planting.

- 36. **Mitigation Measure 11:** The exterior colors and materials of the house and barn shall blend with the surrounding vegetation in this area. Prior to the issuance of a building permit, the applicant shall submit exterior color and material samples to the Current Planning Section staff for review and approval. Prior to the issuance of a Certificate of Occupancy for this project, the applicant shall provide hard copy photographs to the Current Planning Section staff to demonstrate utilization of the approved colors and materials. Materials and colors shall not be highly reflective.
- 37. **Mitigation Measure 12:** All new power and telephone utility lines from the street or nearest utility pole to the main dwelling, barn and water tanks shall be placed a minimum of 36 inches deep, underground starting at the closest property line. The applicant shall provide a note on the construction plans to reflect this condition.
- 38. **Mitigation Measure 13:** All proposed exterior lighting should be the minimum required to illuminate that area of the house exterior for safety purposes. Exterior lighting shall employ warm colors rather than cool tones and shield the scenic corridor from glare. The applicant shall submit the manufacturer's "cut sheets" for review by the Current Planning Section before the issuance of a building permit.
- 39. **Mitigation Measure 14:** Prior to the issuance of a building permit and/or the grading permit "hard card" for the commencement of grading operations at the site, the applicant shall arrange for the completion of a study by a qualified archaeologist of the project area (including all areas to be excavated) and submit a copy of the study to the Current Planning Section.
- 40. **Mitigation Measure 15:** If during the construction phase any archaeological evidence is uncovered or encountered during construction, the project has been conditioned to halt all excavations of the site within 30 feet and retain an archaeologist to investigate the findings as well as informing the County. In addition, the Current Planning Section shall be notified of

Exhibit 3

A-2-SMC-10-016

Page 15 of 20

such findings and no additional work shall be done on-site, until the archaeologist has recommended appropriate measures and those measures have been approved by the Current Planning Section.

41. **Mitigation Measure 16:** The applicant and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during grading and construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, work within 10 meters must cease and the County coroner shall be notified immediately so that he may take appropriate action. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

Building Inspections Section

42. Prior to pouring any concrete for foundations, the applicant shall submit written verification from a licensed surveyor confirming that the setbacks, as shown on the approved plans, have been maintained.
43. An automatic fire sprinkler system will be required. This permit must be issued prior to, or in conjunction with the building permit.
44. A site drainage plan will be required that will demonstrate how roof drainage and site runoff will be directed to an approved location. This plan must demonstrate that post-development flows and velocities to adjoining private property and the public right-of-way shall not exceed those that existed in the pre-developed state.
45. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. 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.
46. A grading permit will be required. The site and grading plans shall be prepared by a civil engineer. The grading and building permits will only be issued concurrently.
47. A driveway plan and profile will be required.
48. A complete geotechnical study and report will be required.
49. The plot plan must be revised to clearly show the location of the septic system and include

details on how power will be delivered to the well site. The location of the fire hydrant and water tank must also be shown on the plot plan.

50. No wood burning fireplaces are allowed. A pellet stove must be EPA certified. Also see No. 5.
51. The new single-family residence shall comply with the most recent version of the County's Green Building Regulations.

Department of Public Works

52. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance #3277.
53. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.
54. 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.
55. The applicant shall submit a driveway "Plan and Profile" to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County standards for driveway slopes (not to exceed 20%) and to County standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
56. The project requires an encroachment permit from CalTrans for work near Highway 1.
57. The applicant shall demonstrate, to the satisfaction of the Department of Public Works and the appropriate Fire District or Fire Marshal, that the existing road access from the nearest "publicly" maintained roadway to the building site meets or exceeds the County's minimum standards for an "Interim Access Roadway," including provisions for existing and proposed drainage and drainage facilities. The applicant must also demonstrate that appropriate turnouts and a turnaround, meeting Fire Marshal requirements, exist or can be provided, if applicable.

Environmental Health Division

58. At the building application stage and prior to issuance, the applicant needs to obtain a well certification for the well, demonstrating that the well meets both quality and quantity standards.
59. At the grading application stage, the applicant needs to include the location of the soil percolation test holes on the site plans. Proposed grading may impact the validity of the percolation test.
60. At the building application stage and prior to issuance of a building permit, the applicant shall submit septic design plans showing the location of the soil percolation test holes, septic tank, and the primary and expansion fields. A septic application of the on-site sewage disposal system shall be submitted to Environmental Health for approval.

Geotechnical Section

61. This project will require an updated soils and foundation report prior to the issuance of any permits. Special attention should be given to slope stability, cut and fill design, drainage, and erosion control. The current geotechnical report on file, prepared by Michelucchi, is preliminary and eight years old. Applicant must submit updated or new report that contains up-to-date data to support conclusions and recommendations for grading and for design and construction of all proposed structures.

California Department of Forestry

62. The new residence shall require the installation of automatic fire sprinklers meeting the requirements of NFPA-13D and the localized requirements of San Mateo County Fire. Contact County Fire at 650/573-3846 for the local jurisdictional sprinkler requirements.
63. The applicant shall submit a site plan showing all required components of the water system to be submitted with the building plans to the San Mateo County Building Inspection Section for review and approval by the San Mateo County Fire Department. Plans shall show the location, elevation and size of required water storage tanks, and the associated piping layout from the tank(s) to the building structures, the location of the wet draft hydrant and the location of any required pumps and their size and specifications.
64. Because of the fire flow and automatic sprinkler requirements for the project, an on-site water storage tank is required. Based upon building plans submitted to the San Mateo County Building Inspection Section, the San Mateo County Fire Department has determined that a minimum of 18,000 gallons of fire protection water will be required, in addition to the required domestic water storage.

Plans showing the tank(s) type, size, location and elevation are to be submitted to the San Mateo County Fire Department for review and approval.

65. The water storage tank(s) shall be so located as to provide gravity flow to a wet draft hydrant. Plans and specifications shall be submitted to the San Mateo County Building Inspection Section for review and approval by the San Mateo County Fire Department.
66. The wet draft hydrant shall be capable of a minimum fire flow of 1,000 GPM.
67. A wet draft hydrant with a 4 1/2" National Hose Thread outlet with a valve shall be mounted not less than 2 feet above ground level and within 5 feet of the main access road or driveway, and not less than 50 feet from any portion of any building, nor more than 150 feet from the main residence or building.
68. Smoke detectors are required to be installed in accordance with Section 310.9 of the Uniform Building Code. This includes the requirement for hardwired, interconnected detectors equipped with battery backup and placement in each sleeping room in addition to the corridors and on each level of the residence.
69. All roof assemblies shall have a minimum CLASS-B fire resistive rating and be installed in accordance with the manufacturer's specifications and current Uniform Building Code.
70.
 - a. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrester of a mesh with an opening no larger than 1/2 inch in size, or an approved spark arresting device.
 - b. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a distance of not less 100 feet around the perimeter of all structures or to the property line, if the property line is less than 30 feet from any structure. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within 5 feet of any portion of any building or structures.
 - c. Remove that dead or dying portion of any tree which extends over the roofline of any structure.
71. All dead-end roadways shall be terminated by a turnaround bulb of not less than 80 feet in diameter. Other provisions for the turning around of fire apparatus require the approval of San Mateo County Fire.

72. All propane storage tanks shall be located with respect to buildings or adjoining property lines. The placement and orientation of tanks shall be so that the ends of the tank do not point in the direction of surrounding structures. Minimum setback distances from property lines or structures will be determined by the size of tank(s) that are being installed: less than 125 gallons - 5 feet; 125 gallons to less than 500 gallons - 10 feet; 500 gallons to less than 2,000 gallons - 25 feet; and 2,000 gallons or more - 50 feet. The minimum distance a LPG tank may be installed from a flammable liquid fuel tank is 20 feet. Indicate size and location of propane tank.
73. Fire department access roadways will conform to the standards of the San Mateo County Fire Department.
74. An approved automatic fire sprinkler system meeting the requirements of NFPA-13D is required to be installed in your project. Plans shall include attached garages and detached garages at or above 1,000 sq. ft. Plans shall be designed by a licensed sprinkler system designer and submitted to the San Mateo County Building Inspection Section for review and approval by the San Mateo County Fire Department. Building plans will not be reviewed until the required sprinkler plans are received by the County Building Inspection Section.
75. A sounding device activated by automatic fire sprinkler system water flow is required to be installed in all residential systems as outlined and meeting the requirements of NFPA-13D. All hardware is to be included on the submitted sprinkler plans.
76. All fire sprinkler system risers shall be equipped with two pressure gauges, one above and one below the check valve. All fire sprinkler systems shall have an inspector's test located at the most remote end of the system. All attic accesses and potential storage areas shall be protected. Where sprinkler heads are required and plastic CPVC piping is going to be used, it must be installed and protected as per manufacturer's installation instructions and UL listing.
77. The driveway profile plan shall include turnouts, 35 feet long and 20 feet wide with 25-foot approach and departure shall be required every 400 feet.
78. This project is located in an SRA fire hazard severity zone. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors, and under-floor protection to meet CBC Chapter 7A requirements. You can visit the Office of the State Marshal's website at http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland.php and click the new products link to view the "WUI Products Handbook." This condition to be met at the building permit phase of the project.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
46 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5280 FAX (415) 904-5400



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

RECEIVED

Name: Commissioners Steve Blank and Richard Bloom

APR 29 2010

Mailing Address: 45 Fremont Street

City: San Francisco

Zip Code: CA

Phone: 94105

CALIFORNIA
COASTAL COMMISSION

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of San Mateo Planning Commission

2. Brief description of development being appealed:

A new 4688 sq. ft. SFR with attached garage, 2000 sq. ft. barn, new septic system and leach field, three water tanks, conversion of agricultural well to domestic well, 400 cubic yards of excavation grading, 400 cubic yards of fill grading, and removal of four pine trees on 16 acres in a Planned Agricultural District (PAD).

3. Development's location (street address, assessor's parcel no., cross street, etc.):

SE corner of Cabrillo Highway and Stage Road, San Gregorio, APN 081-030-010

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-SMC-10-016

DATE FILED: April 29, 2010

DISTRICT: North Central Coast

Exhibit 4

A-2-SMC-10-016

Page 1 of 24

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: March 24, 2010

7. Local government's file number (if any): PLN2004-00524

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Paul McGregor
PO Box 370490
Montara, CA 94037

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See attached document.

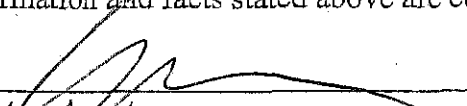
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SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: 4/29/10

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

McGregor Appeal Attachment A
Section IV Reasons Supporting This Appeal

Applicable LCP Policies

LUP Policy 1.8 Land Uses and Development Densities in Rural Areas

Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not:

- (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

LUP Policy 5.6 Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture

a. Permit agricultural and agriculturally related development on land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purpose, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) dairies; (4) greenhouses and nurseries; and (5) repairs, alterations, and additions to existing single family residences.

b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if affordable housing, (4) public recreation and shoreline access trails, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, rod and gun clubs, and private beaches, (8) aquacultural activities, (9) wineries, (10) timber harvesting, commercial wood lots, and storage of logs, (11) onshore oil and gas exploration, production, and storage, (12) facilities for the processing, storing, packaging and shipping of agricultural products, (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, (15) limited, low intensity scientific/technical research and test facilities, and (16) permanent roadstands for the sale of produce.

LUP Policy 5.10 Conversion of Land Suitable for Agriculture Designated as Agriculture

- a. Prohibits the conversion of lands suitable for agriculture within a parcel to conditionally permitted uses unless all of the following can be demonstrated:
- (1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;
 - (2) Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act;
 - (3) Clearly defined buffer areas are developed between agricultural and non-agricultural uses;
 - (4) The productivity of any adjacent agricultural lands is not diminished;
 - (5) Public Service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

LUP Policy 5.22 Protection of Agricultural Water Supplies

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

- a. The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria:
- (1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with LCP Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and
 - (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.
- b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.
- c. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.

LUP Policy 8.5 Location of Development

- a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual

and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

LUP Policy 8.16 Landscaping

- a. Use plant materials to integrate the manmade and natural environments and to soften the visual impact of new development.
- b. Protect existing desirable vegetation. Encourage, where feasible, that new planting be common to the area.

LUP Policy 8.17 Alteration of Landforms; Roads and Grading

- a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.
- b. To the degree possible, ensure restoration of pre-existing topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.
- c. Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever

possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

LUP Policy 8.18 Development Design

a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.

The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.

b. Require screening to minimize the visibility of development from scenic roads and other public viewpoints. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.

c. Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.

LUP Policy 8.29 Designation of Officially Adopted State Scenic Roads and Corridors

Recognize officially adopted State Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway south of Half Moon Bay city limits (State Route 1) and Skyline Boulevard (State Route 35).

LUP Policy 8.30 Designation of County Scenic Roads and Corridors

a. Expand existing County Scenic Corridors to include the visual limits of the landscape abutting the scenic road.

b. Designate County Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway north of Half Moon Bay city limits (State Route 1), Half Moon Bay Road (State Route 92), La Honda Road (State Route 84), Higgins-Purissima Road, Tunitas Creek Road, Pescadero Road, Stage Road, Cloverdale Road, and Gazos Creek Road (Coast Highway to Cloverdale Road).

Zoning Regulation Section 6355. Substantive Criteria For Issuance of a Planned Agricultural Permit

It shall be the responsibility of an applicant for a Planned Agricultural Permit to provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 6350. In addition, each application for a division or conversion of land shall be approved only if found consistent with the following criteria:

A. General Criteria

1. The encroachment of all development upon land which is suitable for agricultural use shall be minimized.
2. All development permitted on a site shall be clustered.
3. Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.

B. Water Supply Criteria

1. The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria: (a) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (b) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (1) on that parcel, or (2) on the larger property that was subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.

2. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.
3. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.

F. Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

1. All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and
2. Continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and
3. Clearly defined buffer areas are developed between agricultural and nonagricultural uses, and
4. The productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and
5. Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality...

Discussion

The San Mateo County Planning Commission approved a new 4688 sq. ft. single family residence with attached garage, 2000 sq. ft. barn, new septic system and leach field, three water tanks, conversion of agricultural well to domestic well, 400 cubic yards of excavation grading, 400 cubic yards of fill grading, and removal of four pine trees on 16 acres in a Planned Agricultural District (PAD).

The approved development is inconsistent with the agricultural land protection policies of the San Mateo County Local Coastal Program (LCP) because: (1) it does not ensure that all land suitable for agriculture will remain in agricultural production; (2) does not minimize encroachment of development on agricultural land; (3) converts an agricultural well to a residential well; and (4) has a visual impact on scenic roads.

The approved development is located on a 16-acre property zoned PAD (Planned Agricultural District). The County categorized the project site as Lands Suitable for

Agriculture as defined under LCP Policy 5.3 based on soils resources maps. According to the County findings, the northern portion of the site is currently dry-farmed with fava beans and the entire parcel is farmed with oat hay.

The proposed development is inconsistent with Locating and Planning New Development Standards including but not limited to LCP Policy 1.8 and Zoning Code Section 6355.A.1. LCP Policy 1.8 allows new development in rural areas only if it does not diminish the ability to keep all lands suitable for agriculture in agricultural production. The purpose of the PAD zoning district is to preserve and foster existing and potential agricultural operations in order to keep the maximum amount of agricultural land in agricultural production. Zoning Code Section 6355A.1 requires that the encroachment of all development on agricultural lands is minimized. There is insufficient evidence in the County approval documenting that the approved 2,000 square foot barn is accessory to an agricultural use. Both the barn and single family residence would displace oat hay farming, which is inconsistent with the requirements of Zoning Code Section 6355.A.1. Thus, the proposed development is inconsistent with LCP Policy 1.8 and Section 6355.A.1.

The proposed development is inconsistent with LCP agricultural standards including but not limited to LCP Policies 5.6, 5.10 and 5.22.

LCP Policy 5.6 describes permitted and conditionally permitted uses on lands suitable for agriculture designated as agriculture. A barn is included as a permitted nonresidential development customarily considered accessory to agricultural uses (5.6.a) while a single family residence is a conditionally permitted use (5.6.b). The County staff report does not provide an analysis of sufficient evidence of the barn's intended agricultural use, therefore the approved barn is inconsistent with LCP Policy 5.6.a.

LCP Policy 5.10 prohibits the conversion of lands suitable for agriculture unless five criteria can be met. The County approval does not provide evidence that the conversion meets the following four criteria: (1) there is no agriculturally unsuitable land on site, (2) continued or renewed agricultural use of the soils is not feasible, (3) the productivity of any adjacent agricultural lands would not be diminished; or (4) the approved development does not impair agricultural viability. The County has not provided an analysis of commercial agricultural viability on the site or surrounding PAD lands. In addition, as approved by the County, there is no assurance that future uses of the property will be limited to agriculture or that the maximum amount of agricultural lands would remain in agricultural production. Therefore, the approved development is inconsistent with LCP Policy 5.10.

LCP Policy 5.22 requires that agricultural water supplies are not diminished if nonagricultural development and uses occur. The County staff report states that the proposed single-family residence and barn are low intensity water use and will not affect agricultural uses. However, there is no specific analysis of how much water is available, how much is used for agriculture, and how much water is projected to be used for the

residence and barn. As a result, the County's approval is inconsistent with LCP Policy 5.22.

The proposed development is inconsistent with Visual Resource Standards including but not limited to 8.5, 8.16, 8.17, 8.18, 8.29, and 8.30.

LCP Visual Resources Policy 8.5 requires new development to be located on a portion of a parcel where it is least visible from state and county scenic roads, least likely to impact views from public viewpoints like coastal roads and beaches, consistent with all other LCP requirements, and best preserves the visual and open space qualities of the parcel overall. In addition, LCP Policy 8.5 supports LCP Policy 1.8.a(2), which allows new development only if it does not have significant adverse impacts, either individually or cumulatively, on coastal resources, such as visual resources. LCP Policy 8.16.a directs development to use plant materials to soften the impact of new development while LCP Policy 8.18 requires that development blend with and be subordinate to the surrounding environment and be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area with specific design guidelines. LCP Policy 8.17 requires minimal alteration of landforms and topography for new roads and grading along with locating new roads to minimize visibility from State and County Scenic Roads.

The existing parcel and the story poles are visible from segments of Highway 1, a State Scenic Road and Corridor (LCP 8.29). In addition, the parcel borders Stage Road, which is a County Scenic Road and Corridor (LCP 8.30.b). The Initial Study states that the residence and barn would be visible from both Cabrillo Highway and Stage Road due to natural topography. In addition, the three water tanks would be visible from Stage Road, minimally visible from La Honda Road, and not visible from Cabrillo Highway. The County staff report states that people traveling north on Highway 1 would be able to see the barn rooftop and portions of the single-family residence. Furthermore, a portion of the driveway would be visible along Cabrillo Highway. The report acknowledges that the water tanks would be visible from Cabrillo Highway and Stage Road, and requires an earth-tone/green paint color and landscaping to soften visibility from both rights-of-way. However, there are no detailed landscaping plans included in the approval documents, and there is no evidence that these required design and landscaping measures would reduce visual impacts to a level that would achieve consistency with the LCP. Therefore, the County's action to approve is inconsistent with LCP Policies 8.5, 8.16, 8.17, 8.18, 8.29, and 8.30.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94106-2219
VOICE (415) 904-5260 FAX (415) 904-5400



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioners Steve Blank and Richard Bloom

Mailing Address: 45 Fremont Street

City: San Francisco

Zip Code: CA

Phone: 94105

SECTION II. Decision Being Appealed

RECEIVED

APR 29 2010

CALIFORNIA
COASTAL COMMISSION

1. Name of local/port government:

County of San Mateo Planning Commission

2. Brief description of development being appealed:

A new 4688 sq. ft. SFR with attached garage, 2000 sq. ft. barn, new septic system and leach field, three water tanks, conversion of agricultural well to domestic well, 400 cubic yards of excavation grading, 400 cubic yards of fill grading, and removal of four pine trees on 16 acres in a Planned Agricultural District (PAD).

3. Development's location (street address, assessor's parcel no., cross street, etc.):

SE corner of Cabrillo Highway and Stage Road, San Gregorio, APN 081-030-010

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	<u>A-2-SMC-10-016</u>
DATE FILED:	<u>April 29, 2010</u>
DISTRICT:	<u>North Central Coast</u>

Exhibit 4

A-2-SMC-10-016

Page 13 of 24

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: March 24, 2010

7. Local government's file number (if any): PLN2004-00524

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Paul McGregor
PO Box 370490
Montara, CA 94037

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
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See attached document.


State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

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The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: 4/29/10

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

McGregor Appeal Attachment A
Section IV Reasons Supporting This Appeal

Applicable LCP Policies

LUP Policy 1.8 Land Uses and Development Densities in Rural Areas

Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not:

- (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

LUP Policy 5.6 Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture

a. Permit agricultural and agriculturally related development on land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purpose, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) dairies; (4) greenhouses and nurseries; and (5) repairs, alterations, and additions to existing single family residences.

b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if affordable housing, (4) public recreation and shoreline access trails, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, rod and gun clubs, and private beaches, (8) aquacultural activities, (9) wineries, (10) timber harvesting, commercial wood lots, and storage of logs, (11) onshore oil and gas exploration, production, and storage, (12) facilities for the processing, storing, packaging and shipping of agricultural products, (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, (15) limited, low intensity scientific/technical research and test facilities, and (16) permanent roadstands for the sale of produce.

LUP Policy 5.10 Conversion of Land Suitable for Agriculture Designated as Agriculture

- a. Prohibits the conversion of lands suitable for agriculture within a parcel to conditionally permitted uses unless all of the following can be demonstrated:
- (1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;
 - (2) Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act;
 - (3) Clearly defined buffer areas are developed between agricultural and non-agricultural uses;
 - (4) The productivity of any adjacent agricultural lands is not diminished;
 - (5) Public Service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

LUP Policy 5.22 Protection of Agricultural Water Supplies

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

- a. The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria:
- (1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with LCP Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and
 - (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.
- b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.
- c. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.

LUP Policy 8.5 Location of Development

- a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual

and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

LUP Policy 8.16 Landscaping

a. Use plant materials to integrate the manmade and natural environments and to soften the visual impact of new development.

b. Protect existing desirable vegetation. Encourage, where feasible, that new planting be common to the area.

LUP Policy 8.17 Alteration of Landforms; Roads and Grading

a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.

b. To the degree possible, ensure restoration of pre-existing topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.

c. Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever

possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

LUP Policy 8.18 Development Design

a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.

The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.

b. Require screening to minimize the visibility of development from scenic roads and other public viewpoints. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.

c. Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.

LUP Policy 8.29 Designation of Officially Adopted State Scenic Roads and Corridors

Recognize officially adopted State Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway south of Half Moon Bay city limits (State Route 1) and Skyline Boulevard (State Route 35).

LUP Policy 8.30 Designation of County Scenic Roads and Corridors

a. Expand existing County Scenic Corridors to include the visual limits of the landscape abutting the scenic road.

b. Designate County Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway north of Half Moon Bay city limits (State Route 1), Half Moon Bay Road (State Route 92), La Honda Road (State Route 84), Higgins-Purissima Road, Tunitas Creek Road, Pescadero Road, Stage Road, Cloverdale Road, and Gazos Creek Road (Coast Highway to Cloverdale Road).

Zoning Regulation Section 6355. Substantive Criteria For Issuance of a Planned Agricultural Permit

It shall be the responsibility of an applicant for a Planned Agricultural Permit to provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 6350. In addition, each application for a division or conversion of land shall be approved only if found consistent with the following criteria:

A. General Criteria

1. The encroachment of all development upon land which is suitable for agricultural use shall be minimized.
2. All development permitted on a site shall be clustered.
3. Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.

B. Water Supply Criteria

1. The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria: (a) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (b) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (1) on that parcel, or (2) on the larger property that was subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.

2. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.
3. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.

F. Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

1. All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and
2. Continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and
3. Clearly defined buffer areas are developed between agricultural and nonagricultural uses, and
4. The productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and
5. Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality...

Discussion

The San Mateo County Planning Commission approved a new 4688 sq. ft. single family residence with attached garage, 2000 sq. ft. barn, new septic system and leach field, three water tanks, conversion of agricultural well to domestic well, 400 cubic yards of excavation grading, 400 cubic yards of fill grading, and removal of four pine trees on 16 acres in a Planned Agricultural District (PAD).

The approved development is inconsistent with the agricultural land protection policies of the San Mateo County Local Coastal Program (LCP) because: (1) it does not ensure that all land suitable for agriculture will remain in agricultural production; (2) does not minimize encroachment of development on agricultural land; (3) converts an agricultural well to a residential well; and (4) has a visual impact on scenic roads.

The approved development is located on a 16-acre property zoned PAD (Planned Agricultural District). The County categorized the project site as Lands Suitable for

Agriculture as defined under LCP Policy 5.3 based on soils resources maps. According to the County findings, the northern portion of the site is currently dry-farmed with fava beans and the entire parcel is farmed with oat hay.

The proposed development is inconsistent with Locating and Planning New Development Standards including but not limited to LCP Policy 1.8 and Zoning Code Section 6355.A.1. LCP Policy 1.8 allows new development in rural areas only if it does not diminish the ability to keep all lands suitable for agriculture in agricultural production. The purpose of the PAD zoning district is to preserve and foster existing and potential agricultural operations in order to keep the maximum amount of agricultural land in agricultural production. Zoning Code Section 6355A.1 requires that the encroachment of all development on agricultural lands is minimized. There is insufficient evidence in the County approval documenting that the approved 2,000 square foot barn is accessory to an agricultural use. Both the barn and single family residence would displace oat hay farming, which is inconsistent with the requirements of Zoning Code Section 6355.A.1. Thus, the proposed development is inconsistent with LCP Policy 1.8 and Section 6355.A.1.

The proposed development is inconsistent with LCP agricultural standards including but not limited to LCP Policies 5.6, 5.10 and 5.22.

LCP Policy 5.6 describes permitted and conditionally permitted uses on lands suitable for agriculture designated as agriculture. A barn is included as a permitted nonresidential development customarily considered accessory to agricultural uses (5.6.a) while a single family residence is a conditionally permitted use (5.6.b). The County staff report does not provide an analysis of sufficient evidence of the barn's intended agricultural use, therefore the approved barn is inconsistent with LCP Policy 5.6.a.

LCP Policy 5.10 prohibits the conversion of lands suitable for agriculture unless five criteria can be met. The County approval does not provide evidence that the conversion meets the following four criteria: (1) there is no agriculturally unsuitable land on site, (2) continued or renewed agricultural use of the soils is not feasible, (3) the productivity of any adjacent agricultural lands would not be diminished; or (4) the approved development does not impair agricultural viability. The County has not provided an analysis of commercial agricultural viability on the site or surrounding PAD lands. In addition, as approved by the County, there is no assurance that future uses of the property will be limited to agriculture or that the maximum amount of agricultural lands would remain in agricultural production. Therefore, the approved development is inconsistent with LCP Policy 5.10.

LCP Policy 5.22 requires that agricultural water supplies are not diminished if nonagricultural development and uses occur. The County staff report states that the proposed single-family residence and barn are low intensity water use and will not affect agricultural uses. However, there is no specific analysis of how much water is available, how much is used for agriculture, and how much water is projected to be used for the

residence and barn. As a result, the County's approval is inconsistent with LCP Policy 5.22.

The proposed development is inconsistent with Visual Resource Standards including but not limited to 8.5, 8.16, 8.17, 8.18, 8.29, and 8.30.

LCP Visual Resources Policy 8.5 requires new development to be located on a portion of a parcel where it is least visible from state and county scenic roads, least likely to impact views from public viewpoints like coastal roads and beaches, consistent with all other LCP requirements, and best preserves the visual and open space qualities of the parcel overall. In addition, LCP Policy 8.5 supports LCP Policy 1.8.a(2), which allows new development only if it does not have significant adverse impacts, either individually or cumulatively, on coastal resources, such as visual resources. LCP Policy 8.16.a directs development to use plant materials to soften the impact of new development while LCP Policy 8.18 requires that development blend with and be subordinate to the surrounding environment and be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area with specific design guidelines. LCP Policy 8.17 requires minimal alteration of landforms and topography for new roads and grading along with locating new roads to minimize visibility from State and County Scenic Roads.

The existing parcel and the story poles are visible from segments of Highway 1, a State Scenic Road and Corridor (LCP 8.29). In addition, the parcel borders Stage Road, which is a County Scenic Road and Corridor (LCP 8.30.b). The Initial Study states that the residence and barn would be visible from both Cabrillo Highway and Stage Road due to natural topography. In addition, the three water tanks would be visible from Stage Road, minimally visible from La Honda Road, and not visible from Cabrillo Highway. The County staff report states that people traveling north on Highway 1 would be able to see the barn rooftop and portions of the single-family residence. Furthermore, a portion of the driveway would be visible along Cabrillo Highway. The report acknowledges that the water tanks would be visible from Cabrillo Highway and Stage Road, and requires an earth-tone/green paint color and landscaping to soften visibility from both rights-of-way. However, there are no detailed landscaping plans included in the approval documents, and there is no evidence that these required design and landscaping measures would reduce visual impacts to a level that would achieve consistency with the LCP. Therefore, the County's action to approve is inconsistent with LCP Policies 8.5, 8.16, 8.17, 8.18, 8.29, and 8.30.

15-gallon and 24-inch box cypress trees, be planted around the clustered residence and barn, around the water tanks, and on the west property boundary, adjacent to Cabrillo Highway.

B. REVIEW BY THE AGRICULTURAL ADVISORY COMMITTEE (AAC)

The Agricultural Advisory Committee (AAC) reviewed the project on August 10, 2009 and September 14, 2009. On August 10, 2009, the Committee stated the concerns listed as Item Nos. 1 through 4 below. Staff researched and responded to these concerns in a subsequent staff report for the September 14, 2009 meeting, and through further research subsequent to the September meeting.

1. *Did the Environmental Health Division evaluate the conversion of the existing agricultural well to a domestic well?*

Staff verified with the Environmental Health Division that the subject well was pump tested and was certified as meeting domestic water standards, which includes chemical standards and flow rate standard minimum of 2.5 gallons/minute on May 22, 2006. The chemical standards are the California Title 22, primary and secondary inorganics. Staff confirmed that a representative from Environmental Health verified that the agricultural well was producing 5.7 gallons/minute, therefore exceeding minimum flow rate standard of 2.5 gallons/minute. Environmental Health has indicated its intent to condition its approval of the well conversion on the following: that the well have filtration equipment installed and the water be re-tested to meet the quality standards, after the applicant applies for a building permit and prior to a building permit issuance. Re-testing at the building application stage will require the applicant to have the water tested and analyzed by a private lab. The lab results shall be sent to the Environmental Health Division for review prior to the building final.

Environmental Health has conditioned the project as follows: (a) that prior to the issuance of a building permit, the applicant shall obtain a well conversion permit from the San Mateo County Environmental Health Division; (b) that the applicant shall apply and receive a permit for the septic system from the San Mateo County Environmental Health Division; and (c) that prior to the house final, the applicant shall obtain a permit to operate the well as a domestic water source. These conditions are noted as Nos. 17 and 18.

2. *Does it meet required flow rates? The AAC requested the conversion discussion be specifically addressed in the AAC report.*

See staff's response to Item 1 above.

3. *Is there a "community well" somewhere close to the McGregor property?*

To determine if there are any community wells nearby, Planning staff provided Environmental Health with the Assessor's Parcel Numbers (APN) for parcels located within a 315-foot radius of the subject property. Environmental Health verified that only one parcel, APN 081-030-060, has record of a proposed public (community) well. The Environmental Health Permit for this community well was applied for on November 6, 1986. A domestic well permit was issued. The well was proposed as a public water system; however, Environmental Health records do not indicate how many persons or parcels the well was intended to serve. The well was drilled on January 16, 1991, and a dry hole was encountered. The well did not produce any water; therefore, no chemical or volume tests could be done.

Additionally, the following nearby parcel has an existing individual agricultural well (APN 081-013-110: Agricultural Well).

Please also refer to Attachments M and N, the Agricultural Advisory Committee staff reports and attachments showing the parcels with wells. The remaining parcels within the search radius have no domestic or agricultural wells.

Since there is no functioning community well within the vicinity, and the nearest private domestic or agricultural well is a minimum of 50 feet away, per Environmental Health requirement, the proposed well conversion is not anticipated to have any impact on the any existing wells on surrounding parcels.

At the September 14, 2009, the Committee questioned whether staff's existing well information was accurate, since there is record of approved Coastal Development Permits or Coastal Development Permit Exemption cases from Planning for well permits in the area.

In response to the accuracy of well information, for all proposed agricultural and domestic wells, all well applications must receive Planning approval prior to review by the Environmental Health Division. Environmental Health quality and quantity standards differ for an agricultural and a domestic well. Depending on the well drilling results, the physical well may or may not exist; final approval is still required by the Environmental Health Division. If a well does not meet Environmental Health standards, the well will not qualify as active or operable. Even though a CDP or CDX authorizing well drilling was approved, the well may not exist. For the well research discussed above, staff consulted the Environmental Health Division for final record confirmation.

The Committee recommended approval of the project as long as the project did not conflict with the Williamson Act, and requested staff to further investigate any agricultural preserve status by verifying in a means other than the assessor's data.

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

DATE: September 14, 2009

TO: Agricultural Advisory Committee

FROM: Planning Staff

SUBJECT: Staff Report Addendum: Consideration of a Coastal Development Permit and a Planned Agricultural District Permit pursuant to Sections 6328 and 6350 of the County Zoning Regulations, respectively, a Grading Permit pursuant to Section 8600 of the County Ordinance Code, and Architectural Review pursuant to Section 261 of the State Streets and Highways Code, for the construction of one single-family residence, one barn, access driveway, and septic system, and the conversion of an agricultural well to a domestic well, located at the intersection of Cabrillo Highway and Stage Road in the unincorporated San Gregorio area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2004-00524

On August 10, 2009, the Agricultural Advisory Committee considered this item and requested continuance to the September 14, 2009 hearing, in order to allow time for staff to investigate the following items. The Committee's question are below, followed by staff's response.

1. *Is the property now, or has it been in the past, under a Williamson Act contract?*

Staff's Response: The Assessor's records indicate the property is not currently under a Williamson Act contract and has never been under a contract in the past.

2. *Has the Environmental Health Division evaluated the conversion of the existing agriculture well to a domestic well?*

Staff's Response: The Environmental Health Division confirmed the subject well was pump tested and was certified as meeting domestic water standards on May 22, 2006.

The well will need filtration equipment installed and its water quality tested again at the building permit application stage.

Environmental Health has recommended a condition requiring that the well be re-certified as meeting both quality and quantity standards, prior to issuance of a building permit.

3. *Does it meet required gallons per minute flow rates? The AAC requested the conversion discussion be specifically addressed in the AAC report.*

Staff's Response: See staff's response to question (2) above.

4. *Is there a "community well" somewhere close to the McGregor property?*

Staff's Response: To determine if there are any community wells nearby, Planning staff provided Environmental Health with the Assessor's Parcel Numbers (APN) for parcels located within a 315 ft. radius of the subject property. Environmental Health verified that only one parcel, APN 081-030-060, has record of a proposed public (community) well; however, the well is dry. The Environmental Health Permit for this community well was applied for on November 6, 1986. A domestic well permit was issued. The well was proposed as a public water system, however, Environmental Health records do not indicate how many persons or parcels the well was intended to serve. The well was drilled on January 16, 1991, and a dry hole was encountered. The well did not produce any water; therefore, no chemical or volume tests could be done.

Additionally, the following nearby parcel has an existing individual agricultural well.

APN 081-013-110: agricultural well

Please also refer to Attachment A for a map showing this well. The remainder parcels within the search radius have no domestic or agriculture well.

Since there is no functioning community well within the vicinity and the nearest private domestic or agriculture well is a minimum of 50 ft. away, per Environmental Health requirement, the proposed well conversion is not anticipated to have any impact on the any existing wells on surrounding parcels.

ATTACHMENTS

- A. Map showing wells on surrounding parcels.
- B. Staff report prepared for the August 10 Agriculture Advisory Meeting.

OSB:cdn:pac – OSBT0785_WCU.DOC

APNs:

081-040-010, 081-030-060, 081-013-110, 081-030-020,
081-013-010, 081-030-010, 081-030-030, 081-013-020

Proposed well conversion
from agriculture to domestic

No well on this property

081030030

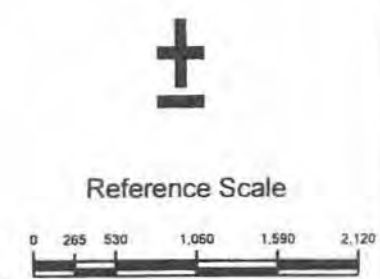
Public community well dry,
never in production

No well on this property

081040010

Agriculture Well

081013120



Legend

- City Boundary
- Agriculture well
- No well on this property
- Public community well dry, never in production
- Proposed well conversion from agriculture to domestic



SAN MATEO COUNTY FARM BUREAU

765 MAIN STREET
HALF MOON BAY, CALIFORNIA 94019
PHONE (650) 726-4485

RECEIVED

DEC 02 2014

CALIFORNIA
COASTAL COMMISSION

Renee Ananda
California Coastal Commission
Coastal Program Analyst
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

December 1, 2014

Subject: Information regarding Appeal No. A-2-SC-10-016
Paul McGregor 16 acre parcel between Hwy 1 and Stage Road, Pescadero
APN 081-030-010

Dear Ms. Ananda,

The San Mateo County Farm Bureau has reviewed the project materials and concurs with the previous action by the San Mateo County Agricultural Advisory Committee and the San Mateo County Planning Commission to approve a single family residence and barn on a 16 acres site on non- prime soils.

The site is in close proximity to the Pacific Ocean and very few crops are possible on this site. The current farmer, Mike Iacopi's assessment on the property is correct and dry farming is the best method to pursue with the low quality soil type and slope of the parcel.

This house project, clustered near the southern boundary of the parcel, will not diminish the agricultural productivity of the San Gregorio watershed.

Sincerely,

Don McCahon
President

Cc: Paul McGregor

Exhibit 6
A-2-SMC-10-016
Page 1 of 1

Mike Iacopi
Iacopi Farms
408 Spruce St.
Half Moon Bay, CA 94019

Re: Stage Rd. and Cabrillo Hwy Property owned by Paul McGregor

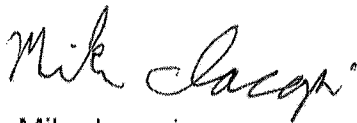
July 14, 2014

For the past several years I have been planting the McGregor Property with a cover crop to maintain the integrity of the land and to improve the poor soil condition.

The property is dry farmed and planted in the spring with oats, favas or peas. The property is not fenced so harvesting of any type of crop is not feasible.

Dry farming is a preferred type of farming for this size parcel and given its moderately steep slope, poor soil and water availability.

In my opinion this is the best way to maintain the property.



Mike Iacopi

Iacopi Farms

Mike Iacopi
Iacopi Farms
240 Spruce St.
Half Moon Bay, CA 94019

November 14, 2014

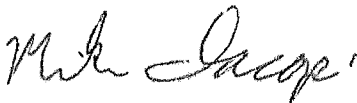
Re: Agricultural Uses of 16 acre non-prime parcel on Stage Rd. and
Cabrillo Hwy Property owned by Paul McGregor

For the past several years I have been planting the McGregor Property with a cover crop to maintain the integrity of the land and to improve the poor soil condition.

The property is dry farmed and planted in the spring with oats, favas or peas.

Dry farming is a preferred type of farming for this size parcel and given its moderately steep slope, poor soil and proximity to the coast. To my knowledge, this small site was dry farmed decades ago and has never supported an irrigated crop.

In my opinion continued dry farming with various crops the best way to maintain the property.

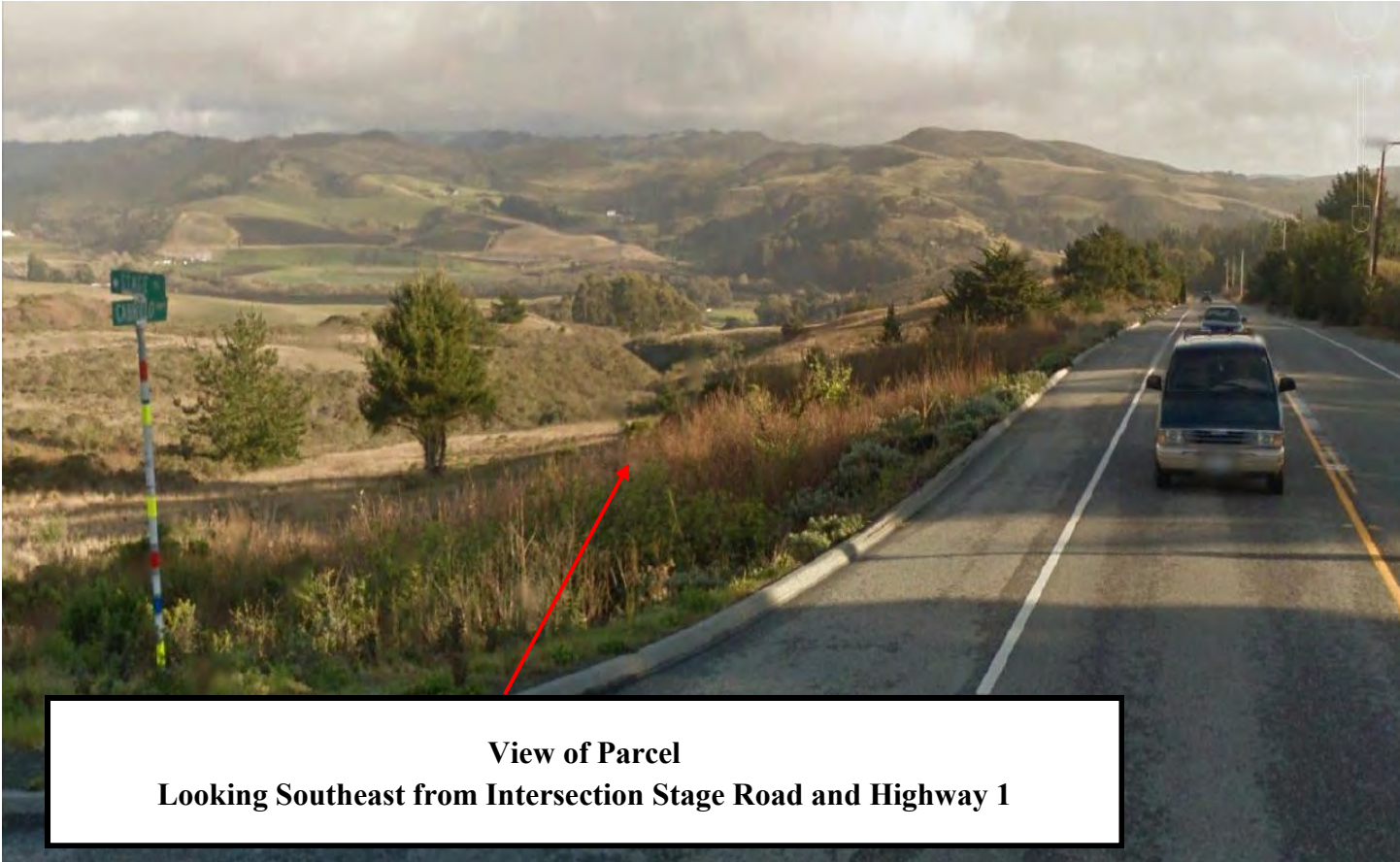


Mike Iacopi

Iacopi Farms



Rural/Open Space, Setting



View of Parcel
Looking Southeast from Intersection Stage Road and Highway 1



Proposed Project Site

Looking Southwest



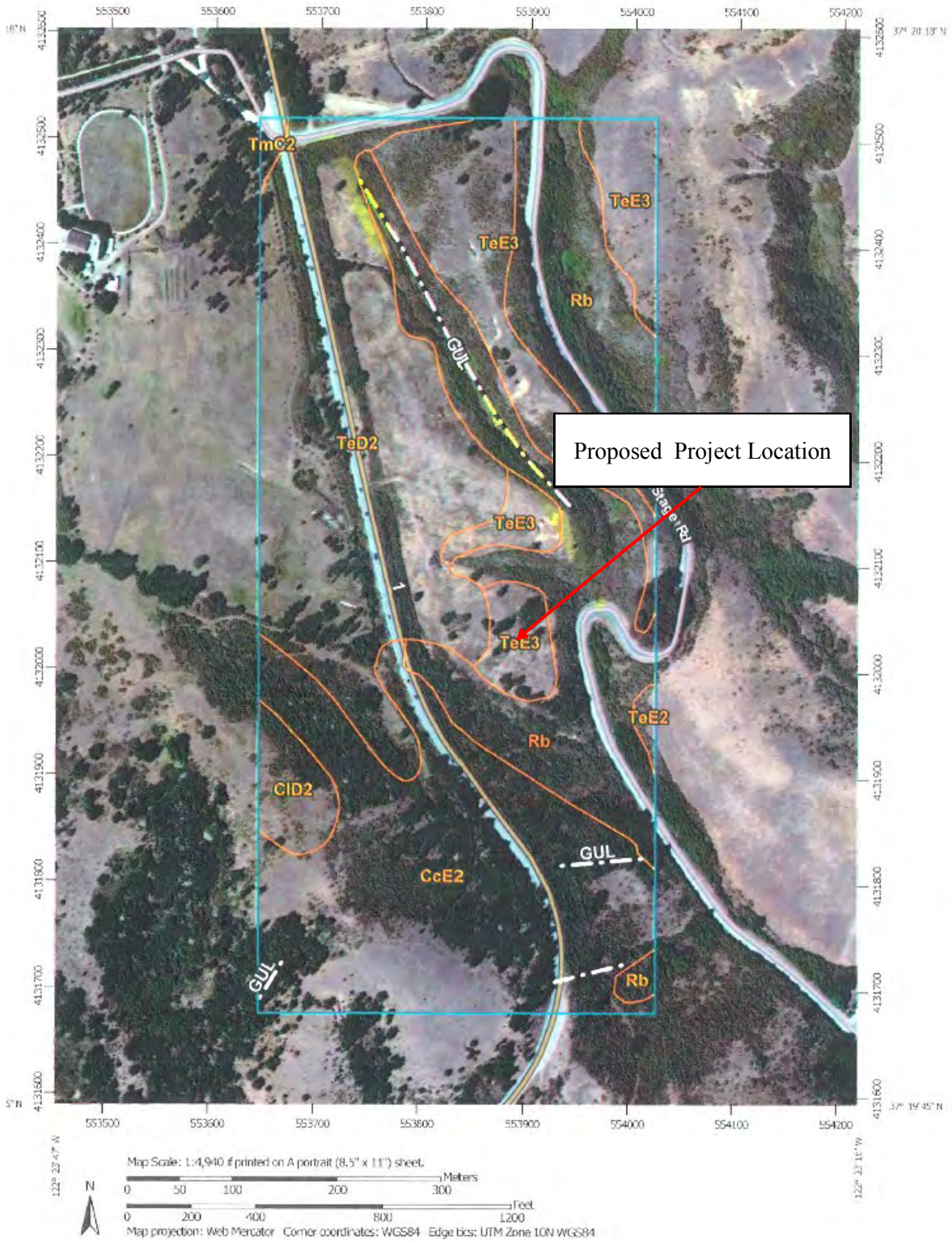
Stage Road

Looking North



Looking West - Proposed Barn Location





Natural Resources Conservation Service

Web Soil Survey National Cooperative Soil Survey

10/6/2014 Page 1 of 3



MAP LEGEND

Area of Interest (AOI)			Spoil Area
	Area of Interest (AOI)		Stony Spot
Soils			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
Special Point Features		Water Features	
	Blowout		Streams and Canals
	Borrow Pit	Transportation	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	Background	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: San Mateo Area, California
Survey Area Data: Version 7, Dec 10, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 26, 2010—Sep 17, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

San Mateo Area, California (CA637)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CcE2	Cayucos clay loam, steep, eroded	21.5	27.1%
CID2	Colma loam, moderately steep, eroded	1.9	2.3%
Rb	Rough broken land	21.3	26.9%
TeD2	Tierra loam, moderately steep, eroded	22.2	28.0%
TeE2	Tierra loam, steep, eroded	0.3	0.4%
TeE3	Tierra loam, steep, severely eroded	11.8	14.9%
TmC2	Tierra sandy loam, sloping, eroded	0.3	0.4%
Totals for Area of Interest		79.3	100.0%

Land Capability Classification

The land capability classification of map units in the survey area is shown in this table. This classification shows, in a general way, the suitability of soils for most kinds of field crops (United States Department of Agriculture, Soil Conservation Service, 1961). Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations designed to show suitability and limitations of groups of soils for rangeland, for forestland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels: capability class, subclass, and unit.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

- Class 1 soils have slight limitations that restrict their use.
- Class 2 soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices.
- Class 3 soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both.
- Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.
- Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.
- Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Capability subclasses are soil groups within one class. They are designated by adding a small letter, *e*, *w*, *s*, or *c*, to the class numeral, for example, 2e. The letter *e* shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained; *w* shows that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage); *s* shows that the soil is limited mainly because it is shallow, droughty, or stony; and *c*, used in only some parts of the United States, shows that the chief limitation is climate that is very cold or very dry.

In class 1 there are no subclasses because the soils of this class have few limitations. Class 5 contains only the subclasses indicated by *w*, *s*, or *c* because the soils in class 5 are subject to little or no erosion.

Report—Land Capability Classification

Land Capability Classification--San Mateo Area, California				
Map unit symbol and name	Pct. of map unit	Component name	Land Capability Subclass	
			Nonirrigated	Irrigated
CcE2—Cayucos clay loam, steep, eroded				
	85	Cayucos	6e	—
CID2—Colma loam, moderately steep, eroded				
	85	Colma	4e	—
Rb—Rough broken land				
	50	Rough broken land	8e	—
	35	Lithic xerorthents	8s	—
TeD2—Tierra loam, moderately steep, eroded				
	85	Tierra	4e	—
TeE2—Tierra loam, steep, eroded				
	85	Tierra	6e	—
TeE3—Tierra loam, steep, severely eroded				
	85	Tierra	7e	—

Data Source Information

Soil Survey Area: San Mateo Area, California
 Survey Area Data: Version 8, Sep 17, 2014



Prime Soils
 Soil Type
 Dublin clay, nearly level

0 350 700 1,400 Feet

**COUNTY OF SAN MATEO
 PLANNING AND BUILDING**



Exhibit 10
 A-2-SMC-10-016
 Page 6 of 6

F15a

Paul McGregor
168 West Point Ave.
Half Moon Bay, CA 94019

June 3, 2015

Renee Ananda and
California Coastal Commissioners
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Response to April 29, 2015 Staff report on Appeal No. A-2-SC-10-016

Dear Ms. Ananda and California Coastal Commissioners.

Thank you for all your work to get this item on the June 12, 2015 CCC agenda. There are a few issues in the staff report that need clarification and amendment. Please provide the Commissioners with this letter also.

Bathroom in barn

Condition 1b. - "The barn shall not include any cooking or bathroom facilities."

Response - The bathroom in the barn has always been included in the project plans and was approved by San Mateo County. The bathroom was never discussed or mentioned at any other time as being an issue. The bathroom is necessary for myself and the farmer working on the property. In addition, water is required for sprinklers in the barn and if I wish to have farm animals in the future. I want to retain the bathroom that has always been shown on the plans. Please eliminate this portion of the condition that has never been discussed before and is essential for managing the property. There have never been cooking facilities shown on any of my plans, nor am I seeking them.

Agricultural Deed Restriction

On March 20, 2015 you sent an e-mail regarding the potential of an agricultural easement or a deed restriction on my property. On May 11, 2015, I stated in an e-mail that I would agree to a "no additional building deed restriction on the bulk of the property if this project as proposed can be recommended for approval in a timely manner." I tentatively agreed to a no additional building deed restriction for 25 years, consistent with my existing agricultural lease, not an agricultural deed restriction in perpetuity.

Approved site plan

I need clarification to Condition 5. that references Condition 1. I need an assurance that when I submit the corresponding building permit plans for my project that they will be approved by CCC staff. As I have explained to you the existing plans have been modified per previous CCC staff members to seek the least visible portion of the site. The grading plan for access has been designed to minimize grading and land

disturbance. I can incorporate the minor details and elements of condition 1, however the location of house, barn and driveway need to remain unchanged in order to comply with the visual resource policies.

Length and terms of deed restriction

Also I mentioned to you that the deed restriction would correspond with my 25 year lease with the farmer. There is another project, Waddell, that has a 21 year agricultural deed restriction (Waddell CCC staff report Page 6, item D). The 25 year restriction seems appropriate for my 16 acres of non-prime soils.

You have not discussed who writes up the deed restriction. Can you please provide me a draft copy of the deed restriction for my property? What happens if we don't agree on the wording? Does this go back to the CCC? I would appreciate some additional information so I can understand the mechanics of the deed restriction.

Condition 5 & 6 are vague as to the form and length of the restriction and require clarification. **Per my previous discussions, I would agree to a 25 year deed restriction on the bulk for the property as long as my plans as submitted are approved. I am not agreeing to a 3rd party held affirmative agricultural deed restriction in perpetuity.**

Barn Use

Condition 4. - limits the use of the barn just to support agricultural uses.

Response - Per my email of 5-11 - I made it clear that **"The deed restriction must allow use of the approved buildings (including the barn) for all acceptable uses under the PAD."**

Condition 4 does not incorporate the future uses listed on page 19 of the staff report under Policy 5.6.b. As I stated in my 5-11 email, I want to utilize my house and barn for uses allowed in the PAD subject to approval of any necessary permits from the San Mateo County Planning and Building Department. I should not be restricted in the future from applying for farm labor housing, a stable or kennel permit consistent with the zoning requirements. **Condition 4 should be eliminated since any potential additional use of the barn and house would have to conform to the PAD rules.**

I appreciate you making a site visit and getting this on the agenda. Hopefully we can clear up these questions and be in concurrence at the hearing.

Respectfully yours,

signature on file

Paul McGregor

F15a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

July 23, 2014 at 2:30 p.m.

Location of communication:

Redwood City

Type of communication:

In person

Person(s) in attendance at time of communication:

Kerry Burke & Paul McGregor

Person(s) receiving communication:

Carole Groom

Name or description of project:

Appeal No. A-2-SMC-10-016 (Stage Road and Cabrillo Highway, San Gregorio)

Detailed substantive description of the content of communication:

The representatives provided background on the project, which was initially approved by the County of San Mateo in March 2010 and appealed by two former Coastal Commissioners. They indicated that the appeal was based on the usage of agricultural land and potential for prime soils, as well as visibility issues. The applicant, Mr. McGregor, attested that the Coastal Commission never had an agricultural expert test for prime soils and that because of the lack of prime soils on the land, only dry farming is viable. Furthermore, Mr. McGregor maintained that the location of the proposed house and barn was moved following discussions with Coastal Commission staff at their request, so visibility should not be an issue.

All materials provided have also been provided to Coastal Commission staff.

Date: July 31 2014

Signature of Commissioner:

Carole Groom

F15a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

1) Name or description of project: Appeal #A-2-SMC-10-016 (Paul McGregor)

2) Date and time of receipt of communication: March 23, 2015 at 2:00 p.m.

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Kerry Burke

5) Identity of person(s) on whose behalf communication was made: Paul McGregor

6) Identity of persons(s) receiving communication: Carole Groom

7) Identity of all person(s) present during the communication: Kerry Burke, Carole Groom

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Representative presented the proposed project and timeline. Ms. Burke mentioned that the applicant is not in agreement with staff. She maintained that the property is not on prime agricultural land and that the applicant is objecting to the changes that have been requested by staff, including a reduction of the house size. The attached materials were provided.

Apr 13 2015
Date

Carole Groom
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Paul McGregor's project status report – March 23, 2015

CCC appeal # A-2-SMC-10-016

16 acres of non-prime soils between Highway One and Stage Road
APN: 081-030-010

Approved by San Mateo County in 2010;
Proposed single family house size: 4,688 square feet
Proposed barn size: 2,000 square feet

Current Barn size reduced to: 1,600 square feet per request of Renee Ananda in March, 2015

Recent submittals to CCC:

July 23, 2014

Provided information on 2 more recent SMC houses in PAD not appealed to CCC
Provided information and response on ag use on and off site impacts; ag viability; continued ag use; protection of ag; watershed study/analysis and affirmative per previous CCC letter

October 21, 2014

Provided landscaping plan with redwoods and cypress trees
Omitted barn balcony and sliding glass door

December 21, 2014

Provided additional information on length and square footage of driveway
Provided information on buffer area between house and ag uses and barn
Provided information regarding NO sensitive habitats on the property
Provided No prime soils map prepared by San Mateo County Planning Department
Provided additional letter from Mike Iacopi dated November 14, 2014 regarding his farming
Of the subject property
Provided December 1, 2014 letter from the San Mateo County Farm Bureau Board of
Director's support for the type of on-going farming and proposed use of the property
Provided information regarding the water use and historic dry farming of the site
Proposed a long-term agricultural lease

February 15, 2015

Provided equipment list and uses for the barn
Eliminated the barn's west elevation windows

March 19, 2015

Agreed to reduce barn size by 400 square feet from 2,000 square feet to 1,600 square feet
Provided information regarding long term agricultural lease with local farmer – Mike Iacopi
Provided information regarding condition of ground and limited economic return

March 20, 2015

Phone call from Renee Ananda requesting that Paul consider reduce the house size and enter into an Agricultural Easement and/or deed restriction