

CALIFORNIA COASTAL COMMISSION

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W-5a**RECORD PACKET COPY**

Filed: June 20, 2003
49th Day: Waived
Staff: CLK – SF
Staff Report: July 18, 2003
Hearing Date: August 6, 2003

**STAFF REPORT – APPEAL
SUBSTANTIAL ISSUE**

APPEAL NO.: A-2-SMC-03-23

APPLICANTS: Peninsula Open Space Trust

LOCAL GOVERNMENT: San Mateo County

ACTION: Approval with Conditions

PROJECT LOCATION: Cloverdale Coastal Ranch, approximately 0.5 mile east of Pigeon Point, San Mateo County.
APNs 086-310-010 and 086-280-050

PROJECT DESCRIPTION: Construction of an eight-car public parking lot, 5,200-foot long public trail, and scenic overlook on the 4,733-acre Cloverdale Coastal Ranch.

APPELLANTS: George Cattermole (Coastside Habitat Coalition)
Ron Sturgeon

1.0 EXECUTIVE SUMMARY

The approved development includes an eight-car parking lot, an unpaved trail and a scenic overlook for public recreational use on land owned by the Peninsula Open Space Trust (POST), a non-profit land trust. The site, known as the Cloverdale Coastal Ranch, is located inland of Highway 1 near Pigeon Point.

The appellants contend that the project would adversely affect San Francisco garter snakes and California red-legged frogs and would conflict with agricultural uses on and adjacent to the project site inconsistent with the policies of the certified LCP.

The project is located a minimum of 1,200 feet from the sensitive habitat areas for the San Francisco garter snake and California red-legged frog. As such, the Commission's staff biologist and staff of the U.S. Fish and Wildlife Service have determined that the project will not significantly degrade the habitat. Nevertheless, the County conditioned its approval to require

monitoring to determine whether traffic generated by trail users on Pigeon Point Road will impact the snakes or frogs. If such impacts are detected, the County permit requires mitigation measures to be developed in consultation with the U.S. Fish and Wildlife Service.

While zoned for agriculture, the project site has not been used for agricultural production since the mid-1970s. However, POST has indicated that it may lease portions of the site in the future for grazing. Use of the parking lot and trail would not prevent future use of the site for grazing, and the County permit requires POST to install fencing if needed in the future to prevent conflicts between use of the trail and grazing. The nearest present agricultural use is on the west side of Highway 1 approximately 1,000 feet from the project site. This is a sufficient distance from the parking lot and trail to avoid any conflict with the adjacent agricultural use. In addition, conditions of the County permit require POST to close the parking lot at any time necessary to meet State or Federal health and safety requirements during the application of pesticides or other chemicals related to the adjacent agricultural use.

For these reasons, staff recommends that the Commission determine that the appeals raise no substantial issue concerning the conformity of the approved development with the policies of the San Mateo County LCP.

2.0 STAFF RECOMMENDATION

No Substantial Issue

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

Motion

I move that the Commission determine that Appeal No. A-2-SMC-03-023 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find No Substantial Issue

The Commission finds that Appeal No. A-2-SMC-03-023 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

3.0 PROJECT SETTING AND DESCRIPTION

3.1 Project Location and Site Description

The approved project is located on a portion of the Peninsula Open Space Trust's (POST) Cloverdale Coastal Ranch on the inland side of Highway 1 at Pigeon Point Road (Exhibits 1 and

2). The Cloverdale Coastal Ranch comprises a total of 4,733 acres, in southern San Mateo County, adjacent to Butano State Park, Pigeon Point Lighthouse, and Año Nuevo State Reserve.

The approved development is located on two parcels, 79 and 1,996 acres, sloping from an elevation of approximately 110 feet at the highway to 370 feet above sea level at its eastern boundary. The site is zoned for agricultural use (PAD), and was planted with flax in the 1940s and 1950s and oats in the 1960s until the mid-1970s. The site has been fallow since the mid-1970s.

Habitat types on the site include coastal scrub, grasslands, and willow riparian. A perennial stream that flows southwesterly across the site into a stock pond on the west side of Pigeon Point Road is located approximately 1,200 feet northwest of the approved parking lot. The stream and stock pond are considered suitable habitat for the federally endangered San Francisco garter snakes (SFGS) and the federally threatened California red-legged frogs (CRLF).

3.2 Project Description

The approved project includes the construction of (1) an eight-space gravel parking lot on the east side of Pigeon Point Road, (2) a small scenic overlook, (3) and a five-foot wide, 5,200-foot long wheelchair accessible trail connecting the parking lot to the scenic overlook (Exhibit 3). The trail will be of native soil, with no surface treatment or paving. The project involves a total of approximately 1,900 cubic yards of grading for the parking lot and trail (983 cubic yards cut and 924 cubic yards fill) (Exhibit 4). The approved plans also include repair of two erosion gullies and planting of native scrub and grasses to reduce erosion (Exhibits 5 and 6).

4.0 APPEAL PROCESS

4.1 Local Government Action

On November 22, 2000, the San Mateo County Planning Commission approved a coastal development permit for the project.

On December 5, 2000, George Cattermole on the behalf of Coastside Habitat Coalition and Ron Sturgeon appealed this approval to the San Mateo County Board of Supervisors.

In response to concerns raised by the appellants regarding impacts to SFGS and CRLF, the applicant revised the project plans to relocate the parking lot approximately 1,200 feet away from the stock pond on the site and realigning the trail accordingly.

On June 10, 2003, the Board of Supervisors denied the appeals and approved the proposed project as revised, with the condition requiring the applicant to monitor the site for impacts to SFGS and CRLF in coordination with the U.S. Fish and Wildlife Service (Exhibit 10).

4.2 Filing of Appeal

On June 12, 2003, the Commission received notice of the County's final action approving a coastal development permit for the project. The Commission's appeal period commenced the following working day and ran for ten working days thereafter (June 13 through June 26, 2003). On June 20, 2003 the Commission received an appeal from George Cattermole (Coastside Habitat Coalition), and on June 25, 2003 the Commission received a second appeal from Ron Sturgeon. Following receipt of each of these timely appeals, the Commission mailed a notification of appeal to the County and the applicant.

Pursuant to Section 30621 of the Coastal Act, the appeal hearing must be set within 49 days from the date that an appeal is filed. The 49th day from the appeal filing date is August 8, 2003. However, the applicant waived the requirement that the appeal hearing be set within 49 days. In accordance with the Commission's regulations, on June 24, 2003 staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The regulations provide that a local government has five working days from receipt of such a request from the Commission to provide the relevant documents and materials. Commission staff received the local administrative record for the County action on the approved development on July 9, 2003.

4.3 Appeals Under the Coastal Act

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Coastal Act Section 30603 provides, in applicable part, that an action taken by a local government on a coastal development permit application may be appealed to the Coastal Commission for certain kinds of developments, including the approval of developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff; or in a sensitive coastal resource area or located within 100 feet of any wetland, estuary, or stream. Developments approved by counties may be appealed if they are not designated as the "principal permitted use" under the certified LCP. Developments that constitute a major public works or a major energy facility may be appealed, whether they are approved or denied by the local government.

The approved development is not the principal permitted use in the County's PAD Zoning District, and thus meets the Commission's appeal criteria in Section 30603(a)(4) of the Coastal Act. Pursuant to Section 30603(b)(1) of the Coastal Act, an appeal for development in this location is limited to the allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth in the Coastal Act.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons eligible to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding the substantial issue question must be submitted to the Commission or the Executive Director in writing.

It takes a majority of the Commissioners present to find that no substantial issue is raised. Unless it is determined that the project raises no substantial issue, the Commission will conduct a full de novo public hearing on the merits of the project at the same or subsequent hearing. If the Commission conducts a de novo hearing on the appeal, the applicable test under Coastal Act Section 30604 would be whether the development is in conformance with the certified Local Coastal Program.

4.4 Standard of Review

Public Resources Code Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term *substantial issue* is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Commission Regulations, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

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.

If the Commission chooses not to hear an appeal, appellant 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.

5.0 SUBSTANTIAL ISSUE ANALYSIS

5.1 Appellant's Contentions

The appeal filed by George Cattermole representing the Coastside Habitat Coalition includes the following contentions (Exhibit 7):

"POST and the County failed to follow CEQUA [sic] in their formulations of the Negative Declaration; failed to adequately consider alternative projects and sites; and failed to develop adequate mitigation to protect the endangered species present on the site."

The appeal filed by Ron Sturgeon contends (Exhibit 8):

"Project does not comply with Local Coastal Program Policies: 5.10, 7.3, 7.33, 11.11, 11.12, 11.13."

5.2 Appellants Contentions that Raise No Substantial Issue

5.2.1 Habitat Protection

Contention

Both of the appeals contend that the approved development would adversely impact the federally endangered San Francisco garter snake (SFGS) and the federally threatened California red-

legged frog (CRLF) in conflict with the sensitive habitat protection policies of the San Mateo County LCP.

Applicable Policies

The appellants' contentions raise potential issues under the following San Mateo County Coastal Land Use Plan (LUP) policies:

7.1 Definition of Sensitive Habitats

Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.

Sensitive habitat areas include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species.

[Emphasis added.]

7.3 Protection of Sensitive Habitats

- a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.
- b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

[Emphasis added.]

7.33 Permitted Uses

- a. Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.
- b. If the critical habitat has been identified by the Federal Office of Endangered Species, permit only those uses deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

7.36 San Francisco Garter Snake

- a. Prevent any development where there is known to be a riparian or wetland location for the San Francisco garter snake with the following exceptions: (1) existing manmade impoundments smaller than one-half acre in surface, and (2) existing manmade impoundments greater than one-half acre in surface providing mitigation measures are taken to prevent disruption of no more than one half of the snake's

known habitat in that location in accordance with recommendations from the State Department of Fish and Game.

- b. Require developers to make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake. Such analyses will determine appropriate mitigation measures to be taken to provide for appropriate migration corridors.

11.12 Sensitive Habitats

- a. Permit recreation and visitor-serving facilities to locate on lands adjacent to sensitive habitats only when (1) there is adequate distance or separation by barriers such as fences, (2) the habitat is not threatened, and (3) there would not be substantial impacts on habitat, topography, and water resources.
- b. Permit recreation or visitor-serving facilities to locate adjacent to sensitive habitats only when development standards and management practices are adequate to protect the resources, consistent with Policy 11.18 and the Sensitive Habitats Component.
- c. Discourage the expansion of public recreation into locations within or adjacent to sensitive habitats until the level of improvement and management of existing public recreation areas within or adjacent to sensitive habitats are consistent with the Sensitive Habitats Component.

11.18 Sensitive Habitats

- a. Conduct studies by a qualified person agreed by the County and the applicant during the planning and design phases of facilities located within or near sensitive habitats and archaeological/paleontological resources to determine the least disruptive locations for improvements and the methods of construction.
These studies should consider the appropriate intensity of use, improvements and management to protect the resources and reduce or mitigate impacts.
- b. Provide improvements and management adequate to protect sensitive habitats. These may include, but are not limited to, the following: (1) informative displays, brochures, and signs to minimize public intrusion and impact, (2) organized tours of sensitive areas, (3) landscaped buffers or fences and (4) staff to maintain improvements and manage the use of sensitive habitats.
- c. Provide setbacks from bluff edges adequate to protect the public, based on local geology and erosion rates and consistent with the Hazards Component.

Discussion

Because the perennial stream and stock pond on the project site are suitable habitat for the SFGS and the CRLF, these areas are considered sensitive habitats as defined by LUP Policy 7.1. As such, development of the project site must conform to the above-cited sensitive habitat protection policies of the County LCP. No development is approved within the stream or stock pond, but the approved parking lot, scenic overlook, and trail will result in low intensity, passive recreational use in an area adjacent to the identified sensitive habitat areas.

Pursuant to LUP Policies 7.3, development adjacent to sensitive habitat areas must be sited and designed to prevent impacts that could significantly degrade the habitat, and all uses in areas adjacent to sensitive habitats must be compatible with the maintenance of biologic productivity of the habitat. In addition, LUP Policy 11.12 permits recreation and visitor-serving facilities to

locate on lands adjacent to sensitive habitats only when (1) there is adequate distance or separation by barriers such as fences, (2) the habitat is not threatened, (3) there would not be substantial impacts on habitat, topography, and water resources, and (4) when development standards and management practices are adequate to protect the resources, consistent with LUP Policy 11.18 and the Sensitive Habitats Component (Chapter 7) of the LUP.

As stated above, the applicant addressed concerns raised in the appeals to the Board of Supervisors about potential impacts to SFGS and CRLF habitat by relocating the parking lot from its originally proposed location 250 feet from the stock pond to approximately 1,200 feet from the pond and realigning the trail. The scenic overlook is located approximately 3,000 feet from the pond (Exhibit 3). Accordingly, no portion of the development as approved by the Board of Supervisors is located closer than 1,200 feet from the adjacent sensitive habitat areas. The substantial distance between the approved development and the sensitive habitat areas is sufficient to ensure that the construction of the parking lot, scenic overlook, and trail will not significantly degrade the habitat and that these approved uses will be compatible with the maintenance of biological productivity of the habitat.

Although the distance between the approved development and the sensitive habitat areas is sufficient to ensure that construction activities will not significantly degrade the habitat, the County imposed several conditions to further protect and enhance the habitat values of the site. These conditions require: (1) removal of exotic plants from the site, (2) implementation of erosion control during project construction, (3) timing of construction to avoid impacts to nesting raptors and SFGS, (4) pre-construction biological surveys to avoid impacts to sensitive species, (5) hand clearing of vegetation to avoid impacts to SFGS, (6) the presence of an on site biological monitor during construction authorized to halt work if necessary to avoid harm to SFGS or CRLF, (7) installation of exclusion fencing around the project site to prevent SFGS from entering the construction area (to be removed after completion of construction), and (8) installation of interpretive signs to inform trail users of the sensitivity of the adjacent habitat areas (Exhibit 10). These conditions further ensure that the approved development will not significantly degrade the habitat and that the approved uses will be compatible with the maintenance of biological productivity of the habitat.

In addition to construction-related impacts, the appellants contend that increased traffic on Pigeon Point Road associated with use of the approved parking lot and trail will result in significant impacts to the SFGS and CRLF. Pigeon Point Road runs across the lower portion of the project site from Highway 1 at the south, traverses the stream on the site via a culvert and then connects with Highway 1 again to the north. The approved parking lot is located approximately 200 feet from the southern intersection of Pigeon Point Road and Highway 1 and 4,000 feet from the northern intersection of Pigeon Point Road and the highway (Exhibit 3).

It will be possible to access the approved parking lot from Highway 1 via Pigeon Point Road from either the north or the south. Vehicles traveling on the section of Pigeon Point Road between its intersection with Highway 1 to the north and the approved parking lot will pass within approximately 250 feet of the stock pond and will cross the perennial stream via the culvert beneath Pigeon Point Road. The appellants contend that this will result in mortality of SFGS and CRLF in conflict with the LCP.

The approved parking lot is much closer to Highway 1 at the southern end of Pigeon Point Road (200 feet) than it is to the northern intersection of Pigeon Point Road and the highway (4,000

feet). In addition, the project as approved would provide signs directing visitors to the parking lot at the southern intersection of Pigeon Point Road and Highway 1 only. For these reasons, it is likely that most drivers will access the parking lot from the south, and will not therefore travel the section of Pigeon Point Road near the sensitive habitat areas. Nevertheless, the approved development will result in some increased use of the section of Pigeon Point Road between the parking lot and the northern intersection with the highway.

Although use of the approved development will not generate a significant volume of additional traffic on the section of Pigeon Point Road north of the parking lot, Condition 18 of the County approved permit requires POST to monitor use of the road for 12 months following project completion to determine whether any impacts to SFGS or CRLF result (Exhibit 10). In the event that the required monitoring reveals that the project has resulted in any impacts to SFGS or CRLF, the condition requires POST to consult with the U.S. Fish and Wildlife Service (USFWS) to develop and implement appropriate mitigation measures. Potential measures identified in the permit condition include restricting use of the section of Pigeon Point Road north of the parking lot to local traffic only and installing box culverts beneath the road to allow safe passage by wildlife. The USFWS is satisfied that the project as approved by the County will not result in adverse impacts to either SFGS or CRLF (see Exhibit 9).

As shown above, the County's determination that the approved development is consistent with the sensitive habitat protection policies of the LCP is well supported. Furthermore, the construction of an eight-car gravel parking lot, scenic overlook and trail is a minor development in both scope and extent in relation to the remaining undeveloped habitat areas on the 4,733-acre Cloverdale Coastal Ranch. For all of the above reasons, the Commission finds that the appeals raise no substantial issue with the sensitive habitat protection policies of the San Mateo County LCP.

5.2.2 Preservation of Agricultural Lands

Contention

Appellant Ron Sturgeon contends that the approved development is inconsistent with the requirements of the San Mateo County LCP to protect agricultural lands from conversion to non-agricultural uses and to prevent conflicts between non-agricultural development and adjacent agricultural uses.

Applicable Policies

Mr. Sturgeon's contentions raise potential issues under the following San Mateo County Coastal Land Use Plan (LUP) policies:

***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.

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

...

- 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.

[Emphasis added.]

***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.

...

[Emphasis added.]

***5.15 Mitigation of Land Use Conflicts**

...

- b. Require the clustering of all non-agricultural development in locations most protective of existing or potential agricultural uses.
- c. Require that clearly defined buffer areas be provided between agricultural and non-agricultural uses.

...

[Emphasis added.]

11.11 Agricultural Areas

- a. Permit the location of public recreation, visitor-serving, and commercial recreation facilities on prime agricultural land and other lands suitable for agriculture when in compliance with the conversion policies of the Agriculture Component.
- b. When conversion policies have been met, encourage visitor-serving and commercial recreation facilities which would permanently subsidize agriculture.
- c. Permit low intensity facilities to locate adjacent to agricultural operations or undeveloped agricultural land which are: (1) separated from agricultural operations by distance or barriers, such as fences, consistent with Policies 5.8, 5.10, 5.15 and 5.22 and (2) only require structures, like stables, which are visually compatible within agricultural areas.

Discussion

The entire 4,733-acre Cloverdale Ranch, is zoned PAD (Planned Agricultural Development). The 2075-acre portion of the Cloverdale Ranch on which the approved development will be located (the project site) is designated as *Land Suitable for Agriculture* as defined by LUP Section 5.3, and was planted with flax in the 1940s and 1950s and oats in the 1960s until the mid-1970s. The site has been fallow since the mid-1970s. While the site has never been grazed, POST indicates that it may lease the site for grazing in the future.

The approved development is allowable as a conditional use on the site in accordance with the above-cited LUP policies. However, the LCP prohibits non-agricultural development on agricultural lands that would diminish or impair the viability or productivity of continued agricultural uses on or adjacent to such lands.

Given the steep topography of the site, is unlikely that it would be used for cultivation of crops in the future and, as indicated above, has not been cultivated since the 1970's. The most likely future agricultural use of the site, if any, is grazing, and POST may elect to lease the site for such use in the future. Low intensity passive recreation uses such as the approved development are commonly allowed on rangelands without significant conflicts. Public hiking trails through active rangelands are common in the East Bay Regional Park System and in the Marin Headlands for example. A pedestrian trail in the Cowell Beach State Park is located next to cultivated fields on adjacent farmlands. Thus, the approved development is not incompatible with use of land for agricultural purposes.

In the event that POST enters into a lease to allow grazing on the property in the future, the County's Permit Condition Number 8 requires installation of fencing to separate the parking lot and trail from the remaining areas of the site if determined necessary to separate trail users from the grazing land (Exhibit 10). However, the Commission notes that such fencing is not typically required in areas where hiking trails are located on rangelands. Since the site has not been in agricultural production since the 1970's and since passive recreational use would be compatible with any future use of the site for grazing, the approved development will not diminish or impair the viability or productivity of continued agricultural use of the site.

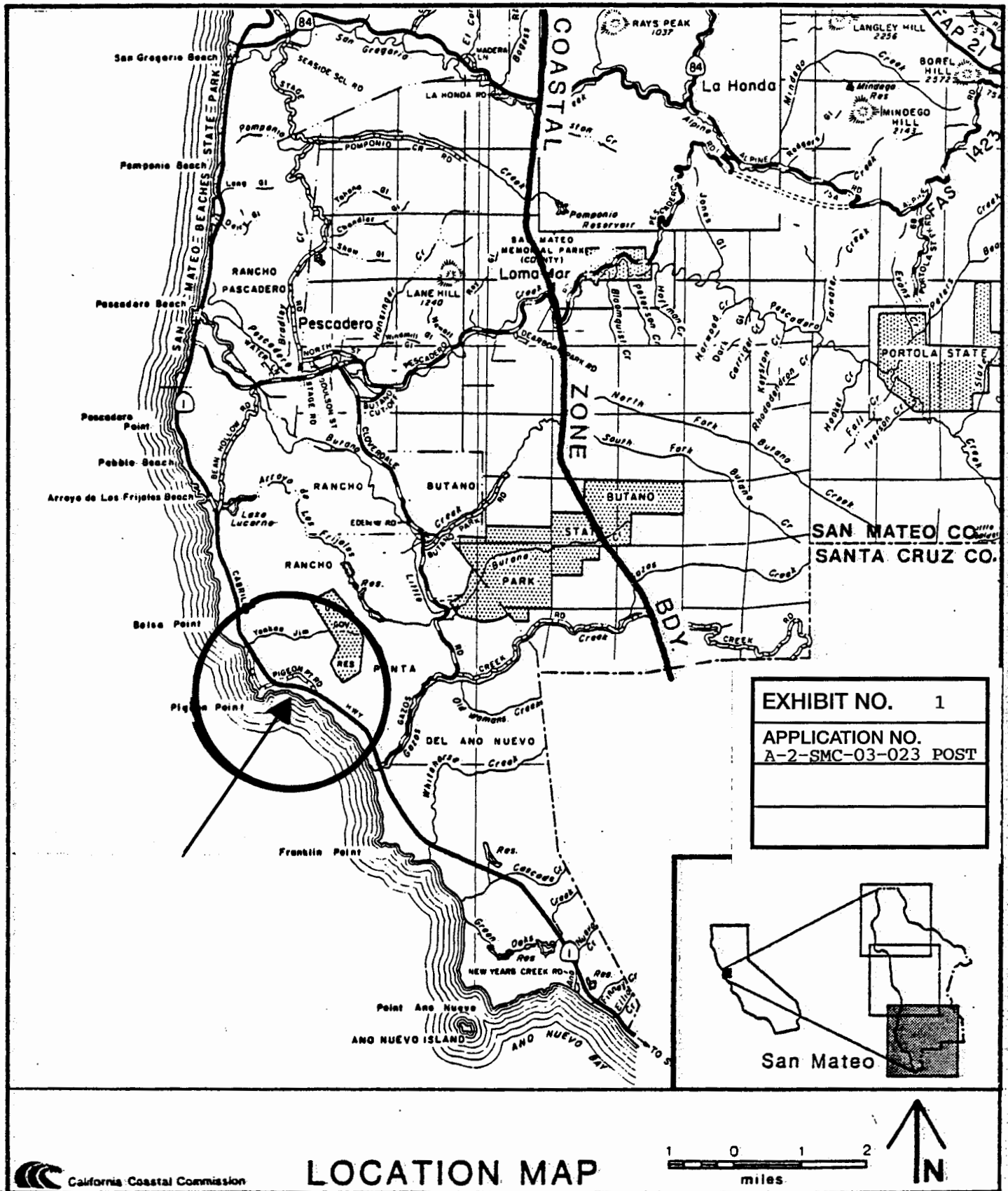
The nearest active agricultural use to the project site is Brussels sprouts and other row crop cultivation on a 75-acre parcel located approximately 1,000 feet southwest of the approved parking lot on the west side of Highway 1 that POST leases to a local farmer. The distance between the approved development and this leasehold provides a sufficient buffer to prevent conflicts between the approved development and agricultural activities. Nevertheless, Condition 16 of the County's permit requires POST to close the parking lot at any time necessary to meet State or Federal health and safety requirements during the application of soil fumigants, pesticides or other chemicals related to agricultural activities on adjacent lands. This requirement, along with the 1,000-foot buffer between the approved development and the nearest active agricultural use, is adequate to ensure that the approved development will not diminish the productivity of adjacent agricultural lands.

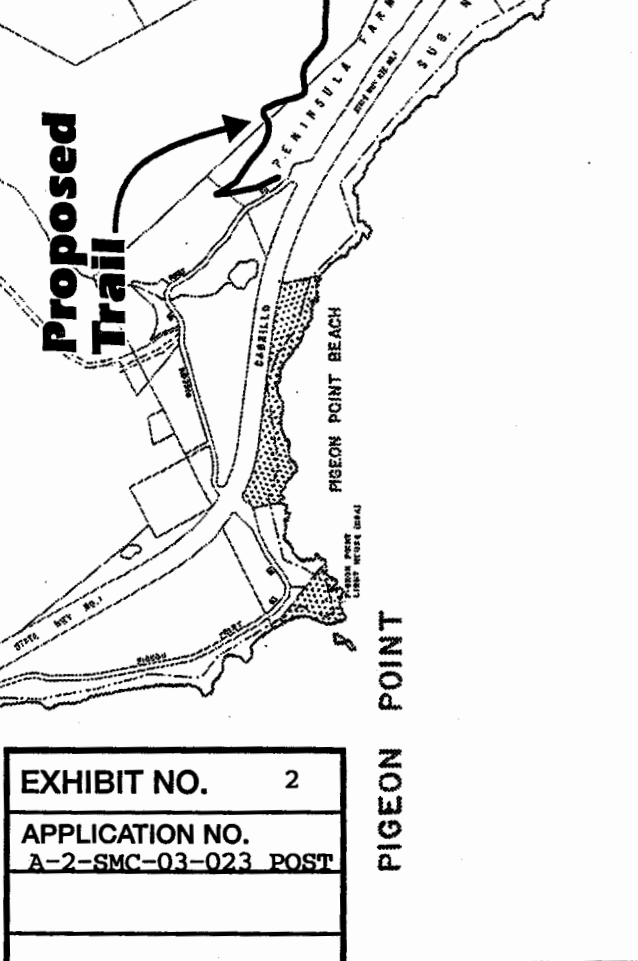
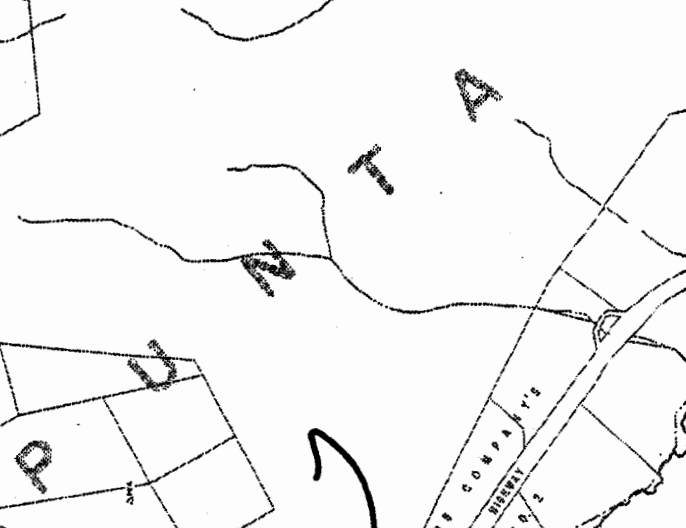
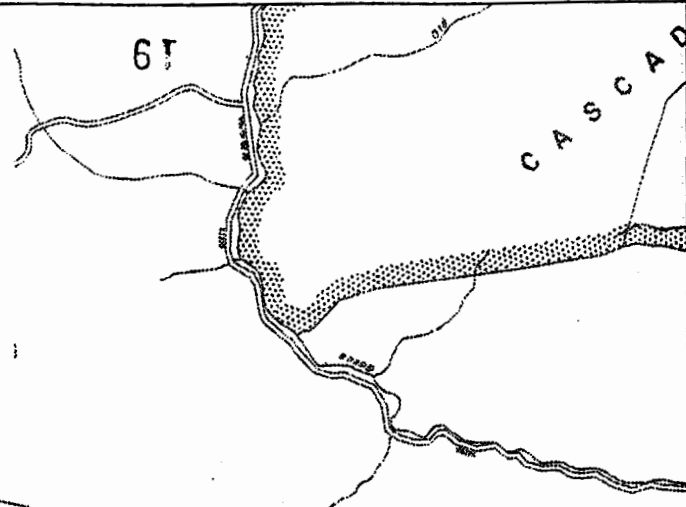
Based on the foregoing, the Commission finds that the County's determination that the approved development is consistent with the LCP policies concerning the preservation of agricultural lands is well supported. The Commission further finds that the approved development is minor in

scope and extent in relation to the remaining undeveloped areas of the 4,733-acre Cloverdale Coastal Ranch. Therefore, the Commission finds that the appeals raise no substantial issue with the agricultural preservation policies of the San Mateo County LCP.

5.3 Contentions that do not Raise Valid Grounds for Appeal

Appellant George Cattermole contends that the County's action on the approved development is in conflict with the requirements of the California Environmental Quality Act (CEQA). Section 30603 of the Coastal Act states that the grounds for an appeal of a coastal development permit approved by a certified local government are limited to an allegation that the development does not conform to the certified LCP or the public access policies of the Coastal Act. The above contention regarding consistency of the approved development with CEQA does not present valid grounds for appeal because it is not supported by any allegation that the approved development is inconsistent with the County's certified LCP or with the public access policies of the Coastal Act.



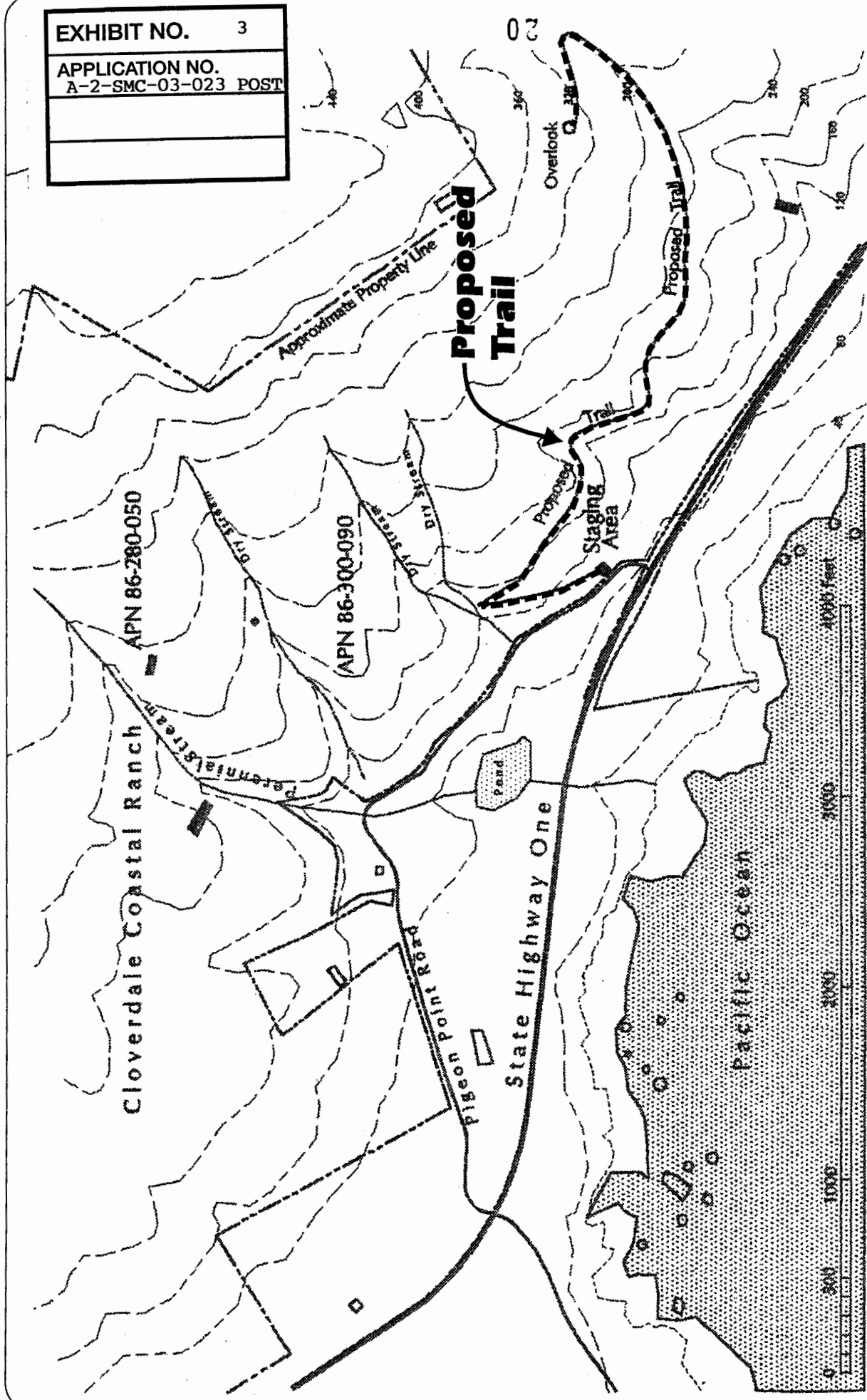


San Mateo County Planning Commission Meeting

Attachment:

File Numbers: PLN2000-00225

EXHIBIT NO.	3
APPLICATION NO.	A-2-SMC-03-023 POST



Trail Map - Cloverdale Coastal Ranch

San Mateo County Planning Commission Meeting

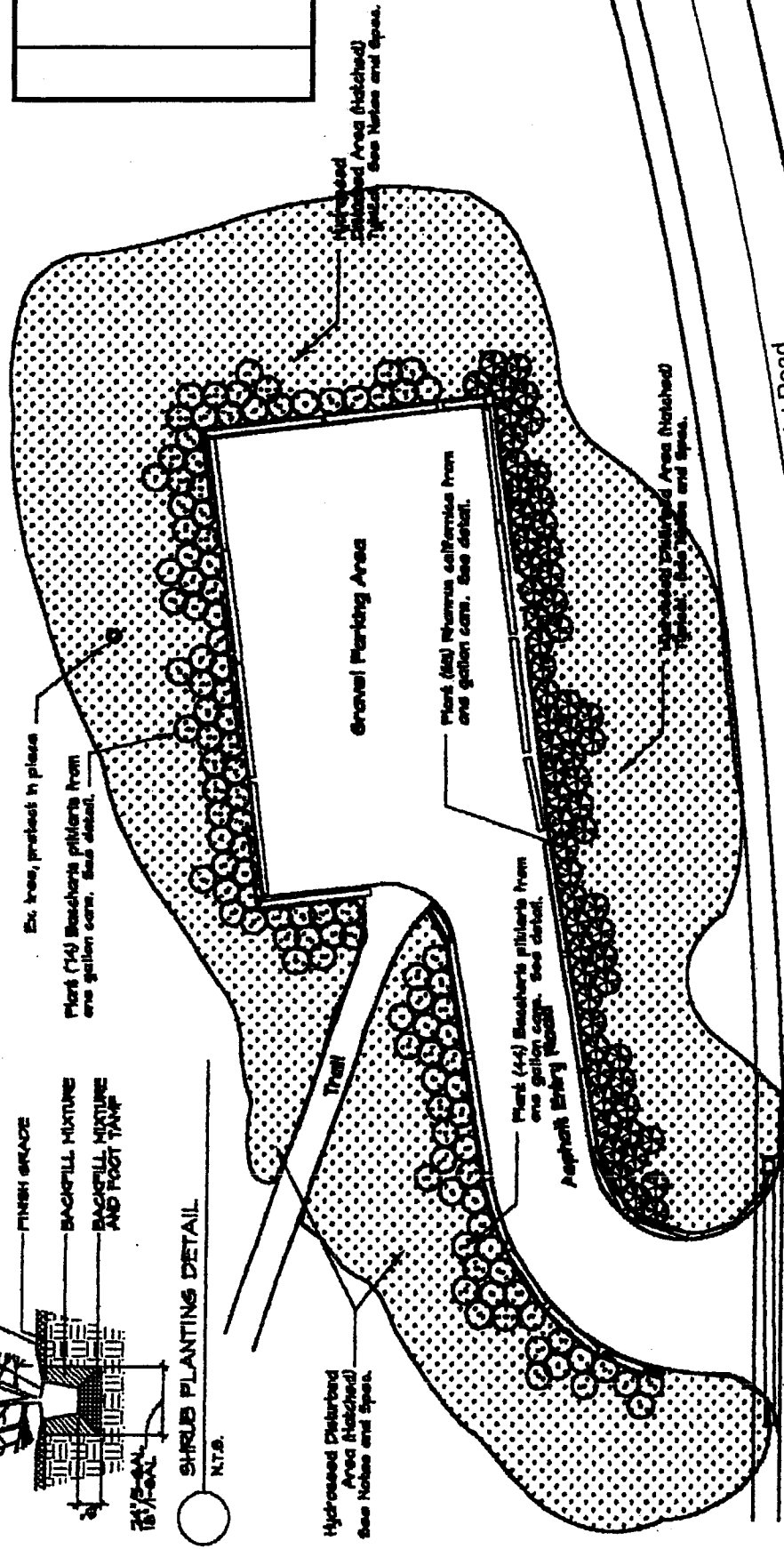
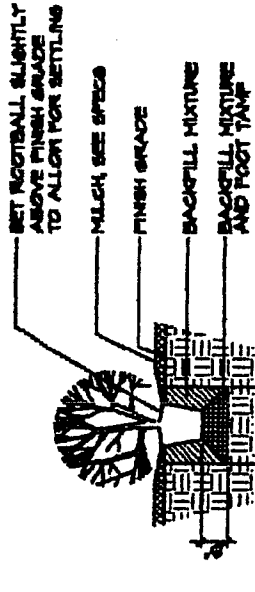
Applicant:

Attachment:

File Numbers: PLN2000-00225

EXHIBIT NO.	5
APPLICATION NO.	A-2-SMC-03-023 POST

12



Revegetation Erosion Control Plan

San Mateo County Planning Commission Meeting

Applicant: _____ Attachment: _____
 File Numbers: PLN2000-00225



EXHIBIT NO.	6
APPLICATION NO.	A-2-SMC-03-023 POST

Pigeon Point Road ROW = 50'

10' Setback

44'-Feet

45'-Feet

Revegetation on Cut Slope

Existing Vegetation

Area of Earth Cut
Max. Depth = 9.5'

Log

Gravel Washing Area

Log

Revegetation on Fill Slope

Existing Grade

Existing Ditch

Area of Earth Fill
Max. Depth = 9.5'

Pigeon Point Road

32

116
114
112
110
108
106
104

120
118
116
114
112
110
108
106
104
102

Section A-A

San Mateo County Planning Commission Meeting

Applicant:

Attachment:

File Numbers: PLN2000-00225

From: George Cattermole, Director, Coastside Habitat Coalition
PO Box 49
San Gregorio, CA., 94074

To: Chanda Meek, Coastal Program Analyst
California Coastal Commission
45 Fremont, suite 2000
San Francisco, CA. 94105-2219

Dear Ms. Meek,

The Coastside Habitat Coalition hereby appeals the decision of the San Mateo County Board of Supervisor's decision to approve a Coastal Development Permit to construct an 8-car parking lot and 5,253 foot long trail on POST property located east of Cabrillo Highway, approximately 1/2 mile east of the Pigeon Point Lighthouse. (County File Number PLN20000-00225)

Our appeal is based on the fact the the fact that POST and the County failed to follow CEQUA in their formulations of the Negative Declaration; failed to adequately consider alternative projects and sites; and failed to develop adequate mitigation to protect the endangered species present on the site. See attached chronology.

Sincerely,



George Cattermole, Director, Coastside Habitat Coalition

EXHIBIT NO.	7
APPLICATION NO.	A-2-SMC-03-023 POST
(Page 1 of 2 pages)	

A chronology for those concerned with the destructive effects of recreational development on local endangered species:

1989-1992: POST supports the Costanoa "campground" development. Instigates and works with County to codify a more "liberal" reinterpretation of San Mateo's Local Coastal Plan's "on-site" water requirement which allowed the private development to bring its water from State Park land and now permits 4 parcel subdivisions where the original policy permitted none.

October and November, 2000: San Mateo Planning Commission holds hearing on a Negative Declaration (ND) for a project proposed by POST. The project: an eight car parking lot and a mile trail across from the Pigeon Point lighthouse. CHC challenged the ND on the grounds that: (1) ND states that there were no endangered species on the project site, the objection based in part on POST's biologist's (Dana Bland and Associates) previous determination that there were species present! (2) Proposed parking lot's proximity to critical habitat and the increased traffic anticipated violate federal guidelines in its Final Ruling for the California Red-Legged Frog CRLF. CHC is told by POST and the Committee for Green Foothills that the property is POST's private property and that POST is "going the extra mile" to protect the environment. Planning Commission approves the ND and the project. CHC appeals the decision.

March 22, 2001: POST meets on the project site with Mr. Knight, Chief, US Department of Wildlife's Endangered Species Division, who informs POST of the department's **"concerns over the likelihood of garter snakes and red-legged frogs being killed by vehicular traffic on Pigeon Point Road"** and requests that POST **"effectively alleviate this problem"**, by either allowing only local access to the road or by **"installing box culverts beneath Pigeon Point Road to allow for safe passage of garter snakes and frogs."**

June 2002: County circulated revised ND for comment which acknowledges the presence of endangered species, moves the parking lot so that it conforms with F&W guidelines, but does not include either of F&G's proposed mitigation for increased traffic. County and POST agree to study traffic **after** the project is completed and consider mitigation if dead species are found. County approves revised project. CHC appeals.

June 10, 2003: Supervisors unanimously approve the project after hearing unsupported testimony from POST and the Committee for Green Foothills that traffic will not be a problem, thereby "second guessing" F&W's, i.e., scientific opinion on the issue. County planning testified that POST had complained of burdensome "costs" that would be involved in implementing F&W's mitigation. CHC is appealing this decision and can use your help.

And now: POST has the funds to build the facilities, but not enough to build them in a way that will minimize harm to the species on the project site. A few more nails in the coffins.

CHC hopes that other developers of recreational facilities such as the Midpeninsula Open Space District will not find themselves in similar situations.

George Cattermole, Director, Coastside Habitat Coalition

June 25, 2003

Chanda Meek, Coastal Program Analyst
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RE: Appeal of trail project (POST - applicant; Local Permit No. PLN2000-00225)
Coastal Commission Application No. 2-SMC-00-304

Dear Chanda Meek:

I seek to notice the Commission that I will today file an appeal with your office of this coastal development project which was approved 6/10/03 by San Mateo County. The project as approved does not comply with key conversion and development policies incorporated in the San Mateo Local Coastal Program. Including in particular: Policies 5.10, 7.3, 7.33, 11.11, 11.12, 11.13 c. (last sentence of "c." found on page 11.6) and 11.19.

The proposed trail development project fails to incorporate the necessary fencing to protect the viability of the agricultural lands that it traverses - fencing is also necessary to prevent upland impacts to habitat values. County Staff's submission (enclosed) to the Board of Supervisor's hearing on this project included: *If the applicant were to resume grazing on this parcel at a future date, they would be obliged to erect fencing to separate the trail/parking area from grazing areas to avoid liability issues.* [Paragraph a. (3), page 8] *As previously discussed, there is no active agriculture occurring on the parcel at the present. However, if the applicant were to run cattle on these parcels at some point in the future, it would be in their own best interest to erect fencing to separate trail users from the cattle.* [Paragraph b. (3), page 13] I submit that It has not been demonstrated (as required by 5.10) that the adjacent agricultural lands have been adequately buffered from this non-agricultural development/use sufficiently to leave the agricultural productivity of the adjacent lands intact. In fact, in the context of the preparation of the CEQA document relating to the San Mateo County Trails Plan the San Mateo County Board of Supervisors found that unless the cumulative impacts of trails developed in like manner of the proposed project were mitigated it would be tantamount to a conversion of the County's Planned Agricultural District into a "recreational district". (See enclosed copy of letter from the Planning Commission, the text of which was subsequently adopted by the Board, relating to trails, agriculture and biological resources.)

The Board's approval of the proposed project was not only inconstant with this its own previous finding but the above noted Local Coastal Program policies relating to the interfacing of recreational uses with priority land values/uses. Not only is the appropriate fencing omitted from the project's development it's actually prohibited from ever being constructed. Condition No. 8 requires that if ever a fence is constructed it must be a "3 strand, barbed wire fence" - which is the equivalent of no fence to cattle or people. The proposed project effectively eradicates the grazing potential of significant portions of the Cloverdale Ranch, perhaps the entire 2022 acre parcel, for the life of the project (which is likely to be in perpetuity!).

It is environmentally unconscionable that the potential significant impacts of the development of this project to its area's established habitat values are likewise virtually dismissed (except for the possibility of mitigation being developed sometime after the conduction of a dead frog and snake count)! For a complete articulation of objections and the bases of appeal of the approval of this project to the Commission, your attention is directed to the enclosed 6/10/03 submission to the San Mateo County Board of Supervisors.

I can be reached, albeit usually not immediately, at (415) 515-2489.

Sincerely,



Ron Sturgeon

EXHIBIT NO.	8
APPLICATION NO.	A-2-SMC-03-023 POST

Chris Kern

From: Valary_Bloom@r1.fws.gov
Sent: Monday, July 14, 2003 2:21 PM
To: ckern@coastal.ca.gov
Subject: Pigeon Point trail and parking lot project

Hello Chris,

Thank you for coordinating with the Service on POST's parking lot and trail project. We have determined that implementation of Measure 18 in the County's Findings and Conditions of Approval (attached to their letter dated June 10, 2003) will appropriately protect potential San Francisco garter snake and California red-legged frog populations in the surrounding area.

Please contact me if you have further questions regarding our determination in this matter.

Valary Bloom
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Sacramento, California

(916) 414-6625

EXHIBIT NO.	9
APPLICATION NO.	A-2-SMC-03-023 POST



EXHIBIT NO.	10
APPLICATION NO.	A-2-SMC-03-023 POST
(Page 1 of 9 pages)	

PROJECT FILE

Please reply to: **Mike Schaller**
(650) 363-1849

June 10, 2003

ENVIRONMENTAL SERVICES AGENCY

Agricultural
Commissioner/ Sealer of
Weights & Measures

George Cattermole
Coastside Habitat Coalition
P.O. Box 71
San Gregorio, CA 94074

Ron Sturgeon
P.O. Box 36
San Gregorio, CA 94074

Notice of Final Local Decision

Subject: County File Number PLN2000-00225
Location: 2,022 Acre Parcel Located East of Cabrillo Highway,
Approximately ½ mile East of the Pigeon Point Lighthouse

Dear Mr. Cattermole and Mr. Sturgeon:

On Tuesday, June 10, 2003, the San Mateo County Board of Supervisors considered your appeal of the Planning Commission's decision to approve a Coastal Development Permit, Planned Agricultural Development Permit, Architectural Review and Grading Permit to construct an 8-car parking lot and 5,253 foot long trail on a 2,022 acre parcel located east of Cabrillo Highway, approximately 1/2 mile east of the Pigeon Point Lighthouse.

Based on the information provided by staff and evidence presented at the hearing, the Board of Supervisors denied the appeal, upheld the decision of the Planning Commission, approved the Coastal Development Permit, Planned Agricultural Development Permit, Architectural Review and Grading Permit, made the findings and adopted conditions of approval as attached.

This item is appealable to the California Coastal Commission. The Coastal Commission will begin its appeal period upon receipt of the Notice of Final Local Decision. For questions or concerns regarding the Coastal Commission's appeal period and its process, please call 415/904-5260.

PLANNING COMMISSION

455 County Center, 2nd Floor • Redwood City, CA 94063 • Phone (650) 363-4161 • FAX (650) 363-4849

Animal Control
Cooperative Extension
Fire Protection
LAFCo
Library
Parks & Recreation
Planning & Building

Commissioners:

David Bomberger
William Wong
Bill Kennedy
Ralph Nobles
Jon Silver

George Cattermole
Ron Sturgeon
June 10, 2003
Page 2

If you have other questions regarding this matter, please contact the project planner listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kan Dee Rud".

Kan Dee Rud
Planning Commission Secretary
Bosdec0610n_krpost.doc

cc: Pete Bentley, Public Works
Jim Eggemeyer, Planning Department
Bill Cameron, Building Department
Lennie Roberts
Jeff Powers
Other Interested Parties

COUNTY OF SAN MATEO
ENVIRONMENTAL SERVICES AGENCY

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2000-00225

Hearing Date: June 10, 2003

Prepared By: Michael Schaller

Adopted By: Board of Supervisors

FINDINGS

Regarding the Environmental Review, Found:

1. That the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, that there is no substantial evidence that the project if subject to the mitigation measures contained in the negative declaration, will have a significant effect on the environment.
3. That the Negative Declaration reflects the independent judgment of San Mateo County.
4. That the mitigation measures identified in the 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 the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit, Found:

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
6. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program.

Regarding the Planned Agricultural District Permit, Found:

General Criteria:

7. That the encroachment of all development upon land which is suitable for agricultural use is minimized.
8. That all development permitted on-site is clustered.
9. That the project conforms to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.

Criteria for the Conversion of Lands Suitable for Agricultural and Other Lands:

10. That all agriculturally unsuitable lands on the parcel have been developed or determined to be undeveloped.
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.
12. That clearly defined buffer areas are developed between agricultural and non-agricultural uses.
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.
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.

Regarding the Grading Permit, Found:

15. That the project will not have a significant adverse affect on the environment.
16. That the project conforms to the criteria of the San Mateo County Grading Ordinance and is consistent with the General Plan.

CONDITIONS OF APPROVAL

Planning Division

1. The project shall be constructed pursuant to the plans approved by the Planning Commission. Revisions to the approved grading plan shall be prepared and signed by the

Engineer and shall be submitted to the Department of Public Works and the Planning Division for approval "prior to" commencing any work pursuant to the proposed revision.

2. This Coastal Development Permit shall be valid for one year from the date of approval, in which time the permit to grade shall be issued. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees, no less than thirty (30) days prior to expiration.
3. The applicant shall work to remove all invasive, exotic weeds, including pampas grass, from the project site, during construction of the parking lot and trail, and continued use of the site.
4. The applicant shall insure that if, during construction, any evidence of archaeological traces (human remains, artifacts, concentration of shale, bone, rock, ash) are uncovered, then all construction within a 30 foot radius shall be halted. The Planning Division shall be notified, and the applicant shall hire a qualified archaeologist to assess the situation and recommend appropriate measures. Upon review of the archaeologist's report, the Planning Director, in consultation with the applicant and the archaeologist, will determine the steps to be taken before construction may continue.
5. 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 County Wide Storm Water Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
 - b. Removing spoils promptly, and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to a local storm drain system or water body.
 - d. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.

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 Planning Division. 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 the proper maintenance is being performed. Deficiencies shall be corrected immediately.

6. The applicant shall include, as part of the above required erosion control plan, a plan for the permanent disposal of excess spoils generated by this grading permit. This permanent disposal plan shall also include erosion control measures.
7. The applicant shall implement the proposed revegetation/erosion control plan as shown on the plans submitted on November 21, 2002. Said plan shall be implemented within 48 hours of the completion of the grading work.
8. If the applicant leases this portion of the project site to a rancher for grazing, then the applicant shall enter into negotiations with the rancher to determine if and where fencing will be erected. If the applicant and rancher determine fencing is necessary, then: (1) the property owner shall notify the County in writing that grazing operations have resumed on the parcel, and (2) a three strand, barbed wire fence shall be constructed to separate grazing areas from the trail/parking lot area.
9. A springtime pre-construction survey shall be conducted by Dana Bland & Associates along the trail alignment where the alignment traverses the grassland/scrub mosaic. The survey shall focus on the identification of any special status plant species, including Gairdner's yampah, Blasdales bent grass, coast lily, coast rock cress, Hickman's cinquefoil, Michael's rein orchid, Point Reyes meadowfoam and white-rayed pentachaeta. If such plants are observed, the trail shall be re-aligned to avoid impacts from trail construction; the trail should be setback at least 20 feet from the rare plant colony(s). The professional hired to conduct the springtime pre-construction survey shall submit a letter to the Planning Division prior to a final grading permit inspection indicating their findings in the field and any modifications from the approved plans that were required.
10. The applicant shall schedule grading and construction for late summer or early fall (August-September), when it is unlikely that California red-legged frogs will be in dry upland areas, and which is during the active season of the San Francisco garter snake making it likely that any snakes present could escape from construction activities, and to avoid potential disturbance of nesting loggerhead shrike and northern harrier. If this construction schedule is not practical due to other site/construction work activities, then the following bird surveys shall be implemented:
 - a. Survey the coastal scrub habitat within 0.25-mile of each work area to determine if loggerhead shrike are nesting in the scrub habitat. The surveys shall be conducted within 14 days prior to construction. If active nests are found, postpone grading work until all young have fledged.
 - b. Survey the grassland/scrub mosaic habitat within 0.25-mile of each work area to determine if northern harrier are nesting. Conduct the surveys within 14 days prior to construction. If active nests are found, postpone grading/heavy equipment work until all young have fledged.

These surveys shall be conducted by Dana Bland & Associates or qualified professional of their recommendation. The applicant shall be responsible for any additional costs to cover these surveys. If surveys are required, then the biological consultant of record shall submit a report containing their findings and any necessary modifications to avoid impacts to the above listed species.

11. Use hand tools (e.g., chain saws) for the clearing of all vegetation within the project footprint, to remove cover and make the area less attractive to San Francisco garter snake.
12. The applicant shall conduct a pre-construction meeting at the project site and have a biological monitor inform construction personnel prior to beginning work, about the potential presence of San Francisco garter snake and California red-legged frog, their protected status, and that if one is observed, all work in the immediate vicinity of the siting should cease until the animal leaves of its own accord.
13. The applicant shall have a biological monitor on site during all phases of the project. If snakes/frogs are observed, work is to cease and USFWS should be contacted for advice on procedure.
14. The applicant shall post interpretive signs along the hiking trail or at the parking lot describing the sensitive wildlife species and its habitat, and stating that collecting or harassing the wildlife is prohibited. The posting of the signs shall be confirmed by Planning staff prior to a final sign off of the project.
15. To avoid construction-related impacts to San Francisco garter snakes, the applicant is required to install fencing around the entire parking lot work area to completely exclude the animals. The work area must be completely enclosed by a snake-proof barrier so that snakes cannot enter from any side. The fencing will consist of 0.9 m. (0.56 feet) high, 0.31-centimeter (cm) (0.12 inches) mesh filter fabric or hardware cloth. The bottom of the fence will be buried to a depth of approximately 60 mm (2.36 inches). One-way funnel traps (which allow any snakes within the enclosed work area to escape) will be placed every 3.0 m (9.8 feet) along the fence. The funnels will be located close to the ground, with the 0.3 m (0.98 feet) opening tapering to 30 mm (1.18 inches). Once the fencing is installed, workers should clear off the vegetative cover within the fencing in 1.5 - 3.0 m (4.9 - 9.8 feet) wide strips by hand each day, or as necessary. Removal of fencing can commence after all construction is completed. Planning Staff shall confirm that the fencing has been erected prior to commencement of construction activities.
16. As owner of the agricultural parcels on the west side of Highway 1, the applicant shall require any farmer who leases this land to notify POST when soil fumigants, pesticides, etc. will be applied to these fields when such applications require a buffer which would overlap the proposed parking lot. When such notice is received by POST, they shall close the

parking lot for the necessary time to meet State and/or Federal health and safety guidelines. If POST should sell the parcels on the west side of Highway 1, then they shall record this requirement as a deed restriction on the applicable deed.

17. Prior to the issuance of the grading permit "hard card", the applicant shall submit a signage plan to the County Planning Division for review and approval. Signage shall be minimal in character and consist of material and colors compatible with this rural setting. Signage shall be placed on Cabrillo Hwy., no more than 100 feet from the south end of Pigeon Point Road. Additionally, a sign shall be placed at the exit of the parking lot notifying drivers that left hand turns only, are allowed. Prior to the placement of said signs, the applicant shall obtain encroachment permits from the County Public Works Department or Caltrans, as applicable. The applicant shall submit copies of the encroachment permits to the Planning Division for the file. Said plan shall be implemented prior to a final sign off on the grading permit.

U.S. Fish and Wildlife Service

18. Within 12 months of the completion of this project, the applicant shall submit a report, prepared by their biologist, to the Planning Director which determines if there has been a significant increase in vehicle traffic on Pigeon Point Road caused by the project and any impacts on San Francisco garter snake or California red-legged frogs on Pigeon Point Road in the vicinity of the parking lot due to such increased vehicle traffic. The report shall recommend measures to reduce vehicle impacts upon both species. If it is determined by the Planning Director that these measures would significantly reduce potential impacts to these species, then the applicant shall apply for the appropriate permits to carry out the project. Measures may include those measures recommended by the U.S. Fish and Wildlife Service which are: 1) allowing only local access on Pigeon Point Road north of the parking lot; or 2) installing box culverts beneath Pigeon Point Road to allow for safe passage of animals.

Department of Public Works

19. Prior to the start of any grading activities on the project site, the applicant shall be issued a permit to grade from the Planning Division.
20. 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.
21. 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.
22. No construction work shall occur within the County right-of-way until Department of Public Works requirements for the issuance of an encroachment permit, including review of applicable plans, have been met and an encroachment permit issued by the Department of

Public Works. An inspection fee of \$500.00 will be required of the applicant prior to issuance of the above Encroachment Permit by Public Works.

23. 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, including "disposal site for excess material" and "dust and debris control measures."
24. No grading shall commence until a schedule of all grading operations has been submitted to and reviewed and approved by the Department of Public Works and the Planning Division. The submitted schedule shall include a schedule for winterizing the site.
25. All grading shall be according to the approved plan by Dillingham Associates. Revisions to the approved grading plan shall be prepared and signed by the engineer and shall be submitted to the Department of Public Works and the Planning Division for approval "prior to" commencing any work pursuant to the proposed revision.
26. The applicant shall submit a driveway "Plan and Profile," to the Public Works Department, showing the driveway access to the Parking Area 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. If a driveway culvert pipe IS NEEDED and allowed, it may not be LESS THAN a 15" diameter. The Department of Public Works; preference is an AC swale and the applicant must provide information that a swale WILL NOT work. The driveway plan shall also include and show specific provisions and details for handling both the existing and the proposed drainage.

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CORRESPONDENCE

Ron Sturgeon, P.O. Box 36, San Gregorio, CA 94074
(415) 515-2489

July 9, 2003

Mr. Mike Reilly, Chairman
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Commission Appeal No. A-2-SMC-03-023. Project description: Construction of a parking lot and one mile long trail into the Cloverdale Ranch. Project location: San Mateo County near Pigeon Point Lighthouse.

Dear Chairman Reilly:

As both Chair of the Commission and as a member of the Coastal Conservancy Board I'm writing to bring the particulars of this project and the bases of its appeal to your personal attention. Given the project's precedent setting portent and the extent of applicant's holdings of coastal lands upon which the precedent would likely to be extended I am requesting that this matter be accorded the unbiased, balanced and experienced conservation scrutiny that the appellants believe this project both merits and now requires.

The project has been in the "planning stage" for some time; I urge that any claim that because of the length of this particular process that the environmental impact issues have been consequently resolved be rejected as a *non sequitur*. In fact, the project is located within San Mateo County's Planned Agricultural District's and its direct impacts to the Cloverdale Ranch as such have not been appropriately acknowledged and addressed. Further, the acknowledged impacts to the ecosystem function known to support special status wildlife has only been partially addressed by relocating the project. Even the minimal mitigating effect of relocating the project has been eroded in recent days in that, as the attached photo exhibit documents, a monument and a section of trail has been placed at the originally planned project location (where it was proposed 3 years ago), and Pigeon Point Road has been extensively and uncustomarily manicured/mowed in manner that facilitates the roadway shoulders as the *de facto* parking lot for this unapproved development - all of which is located within the critical habitat area!

Sincerely,



Ron Sturgeon

Enclosures

cc: Coastal Commissioners
Chris L. Kern
George Cattermole

Photo Exhibit

Photos 1, 2, 3, show trail development - W/W refers to "Wilbur Watch" - what the proposed project trail is referred to by the applicant.

Photo No. 4 represents the roadway in its customary more "natural condition".

Photos 5 and 6 are of the groomed roadway shoulders taken from the W/W monument location.



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