

## CALIFORNIA COASTAL COMMISSION

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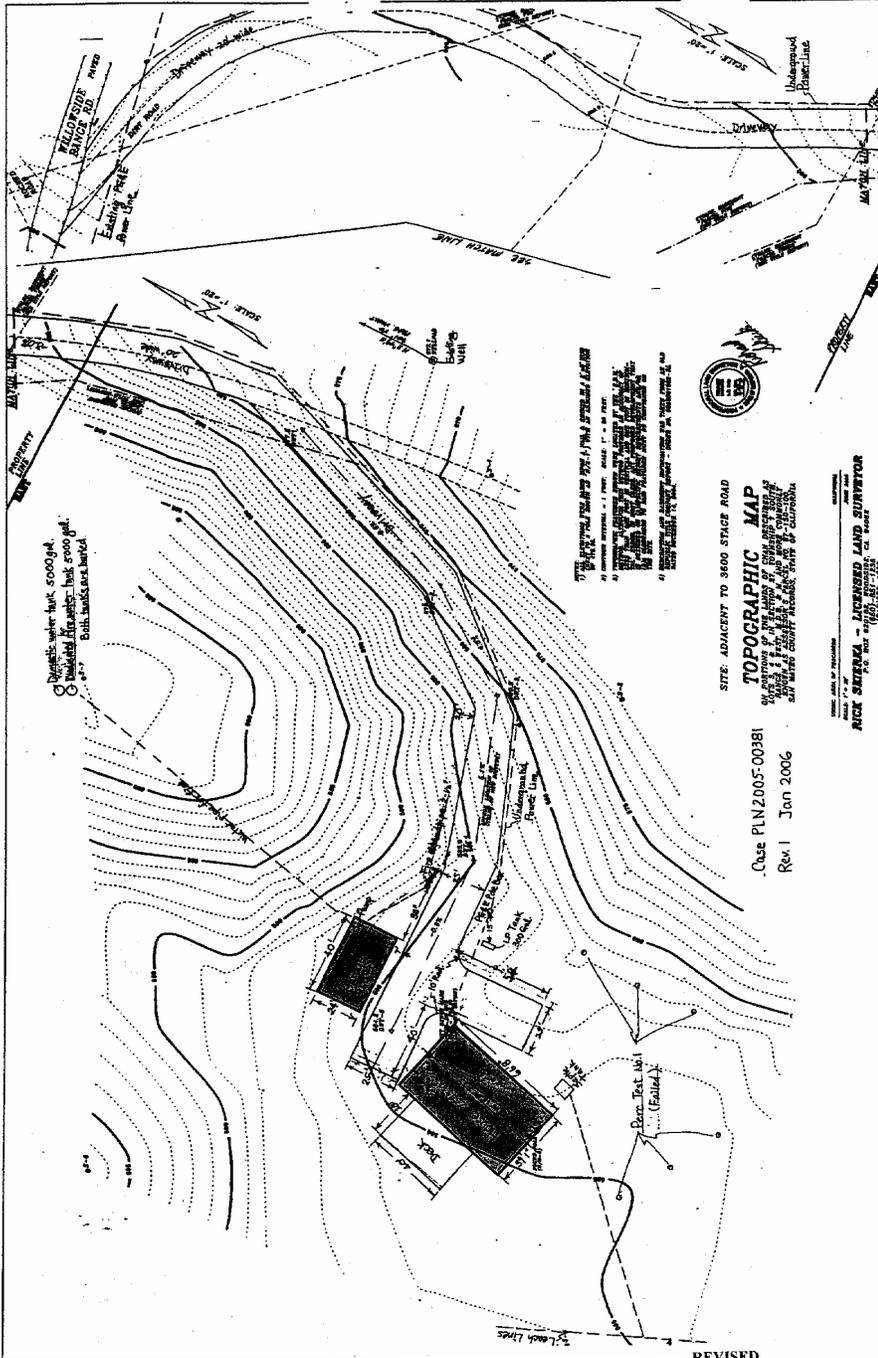
**F5a****ADDENDUM**

**DATE:** October 12, 2007  
**TO:** Commissioners and Interested Parties  
**FROM:** North Central Coast District Staff  
**SUBJECT:** **Appeal No. A-2-SMC-06-021 (Chan)**

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The purpose of the addendum is to:

- (a) Replace Exhibit No. 3, County-Approved site plan, with the attached exhibit. The original Exhibit No. 3 attached to the staff report is not the site plan approved by the County, which approved 15,000 square feet of living area instead of 10,000 square feet.
- (b) Attach new Exhibit No. 12, a letter of support from Mr. Sherman Chan in regards to the staff recommendation



Case PLN2005-00381  
 Rev. 1 Jan 2006

**San Mateo County Zoning Hearing Officer's Meeting**  
 Owner/Applicant: **SHERMAN CHAN**  
 File Numbers: **PLN 2005-00381**

Attachment: **D**

REVISED  
 Exhibit No. 3  
 Application No. A-2-SMC-06-021 (Chan)  
 County - Approved site Plan

Date: November 1, 2007

Reference: Commission File No. 2-SMC-06-012

Subject: Commission staff report, "Appeal Staff Report, Substantial Issue Determination and De Novo Review", dated Sept. 27, 2007

To: Ruby Pap  
California Coastal Commission  
45 Fremont, Ste. 2000  
San Francisco, CA 94105-2219

Dear Ruby:

I have reviewed the subject staff report. I want to let you know that I agree with its findings, conditions, and recommendations.

Sincerely,

**Signature on File**

-----  
Sherman M. Chan  
P.O. Box 249  
San Mateo, CA 94401

PS: Please note that the square footage of the house shown in Exhibit No. 8 is 2628 square feet, which is 33 square feet larger than the house in previous plans. This change is caused by my selection of a different model of the modular home to suit the new topography. The length, width and height of the house in Exhibit No. 8 are within one foot of the previous model.

Exhibit No. 12  
Application No. A-2-SMC-06-021 (Chan)  
Letter from Applicant

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
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# F5a



Filed:	November 30, 2006
49th Day:	Waived
Staff:	Ruby Pap - SF
Staff Report:	September 27, 2007
Hearing Date:	October 12, 2007
Commission Action:	

## APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION AND DE NOVO REVIEW

**APPEAL NO.:** A-2-SMC-06-021

**APPLICANT:** Sherman Chan

**LOCAL GOVERNMENT:** San Mateo County

**LOCAL DECISION:** Approval with Conditions

**PROJECT LOCATION:** Off of Willowside Ranch Road in the unincorporated San Gregorio area, San Mateo County (APN 087-150-100)

**PROJECT DESCRIPTION:** Construction of a 2,595 square-foot house, 960 square-foot garage, driveway, well, water tanks, propane tank, septic system, and certification of as previously drilled domestic well, on a 60-acre Planned Agricultural District (PAD) zoned property.

**APPELLANTS:** Commissioners Meg Caldwell and Sara Wan

**SUBSTANTIVE FILE DOCUMENTS:** San Mateo County LCP; Murray Engineers Inc. Engineering Geologic and Geotechnical Reconnaissance, Site Development Feasibility, APN 87-150-100, Stage Road, San Mateo County, May 25, 2006.

**STAFF RECOMMENDATION:** Substantial Issue Exists; Approval with Conditions

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## **I. SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed.

San Mateo County (“the County”) approved with conditions a coastal development permit for construction of a 2,595 square-foot house, 960 square-foot garage, driveway, well, water tanks, propane tank, certification of a previously drilled domestic well, and septic system on a 60-acre Planned Agricultural District (PAD) zoned property. The subject property is characterized as “lands suitable for agriculture” as defined by the certified LCP, and it is actively dry farmed by a neighbor for oats. The appellants contend that the approved project is not consistent with the resource protection policies of the County’s certified Local Coastal Program (“LCP”) regarding agriculture.

Commission staff analysis indicates that the appeal raises significant questions regarding whether the residence, as approved by the County (1) diminishes the ability to keep all land suitable for agriculture in agricultural production; (2) minimizes conflicts between agricultural and non-agricultural land uses; and (3) minimizes encroachment of all development upon land which is suitable for agricultural use.

Commission staff recommends that the Commission find that the project, as approved by the County, raises a substantial issue with regard to conformance of the approved development with the agricultural and new development policies of the County’s LCP.

## **II. SUMMARY OF STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

As approved by the County, the development includes the construction of an approximately 2,595 square foot single-family residence and related development on rural PAD land that has historically been in agricultural production. Approximately 35-acres of the site are cultivated for oats by a neighboring farmer. The project as approved by the County would be located within the actively farmed area and would convert approximately 15,000 square feet from agriculture to residential use. This building envelope with its associated grading and construction would diminish the ability to keep the lands in agricultural production, inconsistent with LCP agricultural protection policies.

In recognition of these issues, the applicant has proposed to change the project description for purposes of the Commission’s de novo review by moving the house to an already disturbed, unfarmed area, with an existing concrete pad and access road and by restricting the development envelope to 10,000 square feet (Exhibits 6, 7 and 8). The applicant has also proposed to record an “Affirmative Agricultural Easement” over the rest of the property outside the building envelope to ensure that the lands remain in agricultural production in perpetuity (Exhibit 6). Special Condition Nos. 1 and 2 reflect these proposals. Staff recommends that the Commission approve the permit with

conditions, and find that as conditioned by this permit, the proposed development is consistent the San Mateo County Local Coastal Program.

### **III. STAFF NOTES**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. Since the staff is recommending substantial issue, unless there is a motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the de novo portion of the appeal hearing on the merits of the project will be held.

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. It takes a majority of Commissioners present to find that no substantial issue is raised. The only persons qualified 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 substantial issue must be submitted in writing.

### **IV. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS**

#### **PART 1 - SUBSTANTIAL ISSUE**

Pursuant to Section 30603(b) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeals have been filed. The proper motion is:

#### **MOTION:**

*I move that the Commission determine that Appeal No. A-2-SMC-06-021 raises NO substantial issue as to conformity with the certified Local Coastal Program with respect to the grounds on which an appeal has been filed pursuant to Section 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in 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 appointed Commissioners present.

**RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-2-SMC-06-021 presents 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.

**PART 2 - DE NOVO REVIEW OF CDP APPLICATION**

Unless the Commission finds that a locally approved coastal development permit raises No Substantial Issue with respect to the policies of the certified LCP, the Commission must consider the merits of the proposed project de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. The staff recommends that the Commission approve Coastal Development Permit No. A-2-SMC-06-021 subject to the conditions below.

**MOTION:**

*I move that the Commission approve Coastal Development Permit No. A-2-SMC-06-021 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the San Mateo County certified 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.

## **V. CONDITIONS OF APPROVAL**

### **A. 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 Permittee 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 Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **B. Special Conditions**

#### **1. Revised Plans**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Applicants shall submit two sets of Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be consistent with the following requirements:

- 1. Residential Location and Development Envelope.** All residential development (i.e., the residence, all impermeable pathways, turnarounds, courtyards, garages, swimming pools, retaining walls, etc.), shall be confined within an area of no greater than 10,000 square feet. The residential development envelope shall be sited within the existing “dog kennel” area as shown on Exhibits Nos. 7 and 8. The house shall be located on or in close proximity to the existing concrete pad as shown on “House and Garage (proposed)” depicted on Exhibit No. 7 and the “Drawing by Sherman Chan (owner)” depicted on Exhibit No. 8. The development envelope shall maintain a minimum 33-foot buffer from the ephemeral drainage located east and south of the building site.

2. **Other Grading/Utilities and Septic Line Area.** Following utility and septic system installation, all disturbed areas shall be contoured to mimic the natural topography of the site.
3. **Building Materials.** Non-reflective, earth tone materials shall be used on all surfaces (siding, roofing, windows, chimney, gutters, etc.) to prevent the detection of glare or light reflection to ensure that the development blends well into the surrounding rural environment.
4. **Landscaping Plan.** The landscape plan shall show the location, type, and sizes of all landscaping elements within the 10,000 square foot residential building envelope (there shall be no ornamentally landscaped areas outside of the residential building envelope). No species included in the *California Exotic Pest Plant List* may be utilized.
5. **Lighting.** There shall be no exterior night lighting around the residence, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All lighting fixtures shall be shielded so that neither the lamp nor the related reflectors are visible from public viewing areas.
6. **Water Tanks.** Water tanks shall be located underground, or otherwise be colored to mimic the site's natural backdrop (i.e., dark greens and browns), and shall not be visible from public viewing points.

**B.** The Permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally necessary.

## **2. Agricultural Use**

**A.** No development, as defined in section 30106 of the Coastal Act, shall occur outside of the approved development envelope pursuant to the final approved plans in accordance with Special Condition #1 and as generally depicted in Exhibit No. 8, except for:

1. Agricultural production activities defined as "activities that are directly related to the cultivation of agricultural commodities for sale. Agricultural commodities are limited to food and fiber in their raw unprocessed state, and ornamental plant material.
2. Agricultural support facilities directly related to the cultivation of food, fiber, and ornamental plants being undertaken on the site, such as agricultural barns, fences, and agricultural ponds, except that no structures shall be located within any wetlands, streams, riparian corridor, sensitive habitat areas and shall maintain a 100-foot buffer from these areas. For riparian areas, the buffer shall be measured from the limit of riparian vegetation or the high water point if no riparian vegetation exists. For wetlands, the buffer shall be measured from the

outermost line of wetland vegetation.

3. Underground utilities.
4. Farm labor housing, if approved by the Coastal Commission as an amendment to this coastal development permit.

**B.** All areas of the Property, except for the 10,000 square foot development envelope specified in Special Condition #1, shall at all times be maintained in active agricultural use. Agricultural use shall be defined as the use of land for the purpose of producing an agricultural commodity for commercial purposes. The Permittees may satisfy this requirement either by engaging in good faith in agriculture at a commercial scale and/or by leasing the area of the Property outside of the approved 10,000-square-foot development envelope, in whole or in part, to a farm operator for commercial agricultural use. The terms of any lease agreement for purposes of this condition shall be based on the current market rate for comparable agricultural land in the region and shall reflect a good faith effort on the part of the Permittees to maintain continued agricultural use of the property. The Permittees shall be responsible for ensuring that an adequate water supply and other necessary infrastructure and improvements are available for the life of the approved development to sustain the agricultural viability of the property.

**C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall dedicate an agricultural conservation easement to a public agency or private association approved by the Executive Director (hereinafter referred to as the "Grantee"). The agricultural conservation easement shall be for the purposes of implementing the requirements of Paragraphs A and B above. Such easement shall be located over the entire parcel except for the area contained within the approved development envelope pursuant to Special Condition No. 1. After acceptance, this easement may be transferred to and held by any entity that qualifies as a Grantee under the criteria stated above. The easement shall be subject to a covenant that runs with the land providing that the Grantee may not abandon the easement until such time as Grantee effectively transfers the easement to an entity that qualifies as a Grantee under the criteria stated herein.

**D.** In the event that an acceptable Grantee cannot be identified, the applicant may in the alternative execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an agricultural conservation easement consistent with the purposes and requirements described above. The recorded document shall include legal descriptions of both the applicants' entire parcel and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

**E.** The landowners shall submit to the Executive Director and/or Grantee such information as may reasonably be required to monitor the landowners' compliance with the terms of this condition. Such information may include a written report describing current uses and changes in uses (including residential uses). The written report and any other required information shall be provided as needed upon the request of the Executive Director and/or Grantee, in a form as shall be reasonably required by same. If the landowner enters into a lease agreement with a farm operator for any portion of the property, a copy of the lease agreement may also be required as further documentation of compliance with this condition.

**F.** If circumstances arise in the future beyond the control of the landowner or operator that render continued agricultural production on the property infeasible, the easement may be converted to an open space easement upon Commission certification of an amendment to the LCP changing the land use designation of the parcel to Open Space in accordance with all applicable policies of the certified LUP and the Coastal Act, and the requirements of Paragraph B above may be extinguished upon Commission approval of an amendment to this coastal development permit.

### **3. Right-to-Farm**

By acceptance of this permit, the Permittees acknowledge and agree: (a) that the permitted residential development is located on and adjacent to land used for agricultural purposes; (b) users of the property may be subject to inconvenience, discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (c) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks to the Permittees and the property that is the subject of this permit of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are or in any way related to the property that is the subject of this permit.

### **4. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants 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 permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, 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.

#### **5. California Red-Legged Frog and San Francisco Garter Snake Avoidance Measures**

**The following avoidance measures shall be implemented:**

- A.** No more than two-weeks prior to the commencement of any earthmoving activities on the site, a qualified biologist or biological monitor, approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Game, shall establish wildlife exclusion fences surrounding the entire building envelope, staging area, and anywhere the ground will be disturbed. A gate shall be installed to allow entrance/exit of construction vehicles and staff as needed, but it shall remain closed at all other times and overnight. Fencing shall be a minimum of 36 inches above ground level and buried 4-6 inches into the ground. Fencing should have one-way escape funnels and should remain intact for the entire duration of development activities. Fencing may be made of plywood or erosion mesh but shall not be made of orange construction fencing or anything with larger holes as this may trap listed species. Fencing shall be inspected for any rips or other malfunctions once per week by biological monitors during all phases of construction activity. Upon completion of the proposed project all traces of fencing should be removed and properly disposed of off-site.
- B.** If applicable, after the establishment of fencing but prior to the start of any earth moving activities, grass and vegetation within this area shall be removed via belt driven weedwacker to a two- to four-inch height.
- C.** Immediately after grass clipping, the approved biological monitor shall perform preconstruction surveys of the area to determine if the CRLF or the SFGS occur in or adjacent to the wildlife exclusion fencing. If any listed species are found, before any earth-moving activities may commence, the permittee shall consult with U.S. Fish & Wildlife Service to establish any additional avoidance measures designed to avoid take of these species. Preconstruction surveys shall be performed again immediately prior to the commencement of earthmoving activities commence to ensure the area is clear.
- D.** The qualified biologist shall monitor all earth-moving activities occurring within 500 feet of the aquatic and wetland habitats throughout the duration of the project;
- E.** Prior to the start of any earth-moving activities on the site, the approved biologist shall conduct a worker education program. All workers, including, but not limited to earth moving heavy equipment operators, shall be informed of the potential presence of the California red-legged frog or San Francisco garter snake, their

protected status, work boundaries, and measures to be implemented to avoid the incidental take of frogs and/or snakes .

- F. If California red-legged frog or San Francisco garter snakes are observed before or during construction activities, all development activities shall cease until the applicant has consulted with the U.S. Fish & Wildlife Service to establish any additional avoidance measures designed to avoid take of these species. Under no circumstances will anyone else but a CDFG or U.S. FWS-approved-biologist be allowed to handle these species.
- G. Heavy equipment operators and construction workers shall be informed of the location of wetland habitats, riparian habitats, and ephemeral drainages on the parcel and instructed to avoid entry into any wetland or riparian habitat areas on the parcel;
- H. During construction, all holes shall be covered at the end of each day to prevent California red-legged frog or San Francisco garter snake from taking cover in holes on the construction site;
- I. Food and food-related trash items associated with construction works shall be enclosed in sealed containers and regularly removed from the project site to deter potential predators of California red-legged frog or San Francisco garter snake;
- J. Pets shall not be permitted on the construction site;
- K. All staging areas and all fueling and maintenance of vehicles and other equipment shall take place at least 100 feet from any wetland and ephemeral drainage areas;

## **6. Implementation of Best Management Practices During Construction**

Appropriate best management practices shall be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook. The construction areas shall be delineated with fencing and markers to prevent land-disturbing activities from taking place outside of these areas. These measures shall include:

- A. limiting the extent of land disturbance to the minimum amount necessary to construct the project;
- B. designating areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis;
- C. providing for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in any runoff from construction, staging, and storage/stockpile areas;

- D. incorporating good construction housekeeping measures, including the use of dry cleanup measures whenever possible;
- E. collecting and filtering cleanup water when dry cleanup methods are not feasible;
- F. cleaning and refueling construction equipment at designated offsite maintenance areas, and;
- G. the immediate clean-up of any leaks or spills;
- H. controlling dust

## **7. Post-Construction Stormwater Pollution Prevention Plan**

**A. Prior to issuance of the coastal development permit**, the applicants shall submit, for the review and approval of the Executive Director, a Post-Construction Stormwater Pollution Prevention Plan showing final drainage and runoff control measures. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of storm water leaving the developed site after completion of construction. The Post-Construction Polluted Runoff Prevention Plan shall include, at a minimum, the BMPs specified below:

1. A pop-up drainage emitter system, or similar device shall be installed to conduct roof runoff from roof gutter systems and downspouts away from structural foundations and to disperse runoff in lawn or landscaped areas. Emitters shall be sized according to downspout and watershed (roof area) size. Pipe riser height shall be designed to create head sufficient enough to lift pop-up. Outfall and sheetflow shall be designed to disperse runoff onto vegetated areas or suitable landscaped.
2. Where feasible, runoff from the driveway should be directed to natural drainage systems that allow for filtration.
3. Native or noninvasive drought-tolerant adapted vegetation shall be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.
4. The final site plan shall show the finished grades and the locations of the drainage improvements, including downspouts and, where necessary, splashguards.

**B.** The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**8. Conditions Imposed By Local Government.** All previous conditions of approval imposed on the project by San Mateo County pursuant to an authority other than the California Coastal Act remain in effect (San Mateo County File Number PLN 2005-00381; see Exhibit 4).

## **VI. FINDINGS AND DECLARATIONS: SUBSTANTIAL ISSUE**

The Commission hereby finds and declares:

### Local Government Action

The applicants submitted an application for a coastal development permit (CDP) and a Planned Agriculture Development (PAD) permit on the subject property in August 2005. This application included a short Agricultural Management Plan for the property.

On February 8, 2006 the Coastal Commission staff sent a letter to the San Mateo County Planning Department, expressing concern over the conversion of agricultural lands raised by the proposed project.

On February 15, 2006, the applicant submitted to the County a revised Agricultural Management Plan for the property that stated that it was "lands suitable for agriculture" and which stipulated the potential uses of the land to be dry farming and animal grazing, and that for at least 20-years the land has been dry farmed for hay by a neighbor. The plan asserted that the construction of the 2,595 square foot residence and associated developments would reduce the farmed area by 15,000 square feet, but that the productivity of the adjacent agricultural land would not be affected.

On June 12, 2006, the project was reviewed by the County's Agricultural Advisory Committee who recommended approval.

The project was considered by the County Zoning Hearing Officer on October 19, 2006 and the project was approved with forty (40) special conditions, as shown in Exhibit 4. Special Condition No. 1 stipulated that the approval was for the project as described on the plans and documents approved by Zoning Hearing Officer on October 19, 2006, which included the Agricultural Management Plan. No other agricultural special conditions were imposed, and the rest of the conditions related to erosion and stormwater control during construction, house materials, colors, and lighting, geotechnical conditions, environmental health requirements for water supply and wastewater disposal, and fire prevention conditions.

### Filing of Appeal

The Commission received the Notice of Final Action for the County's approval of the subject development on November 14, 2006. In accordance with the Commission's regulations, the 10-working-day appeal period ran from November 15<sup>th</sup> through November 30<sup>th</sup> (14 CCR Section 13110). The appellants (Commissioners Meg Caldwell

and Sara Wan) timely submitted their appeal (Exhibit 5) to the Commission office on November 30, 2006, within 10 working days of receipt by the Commission of the Notice of Final Local Action. The local record was requested on November 30<sup>th</sup> and received on December 7, 2006.

#### 49-Day Waiver

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. On December 4, 2006, the applicant submitted a signed 49-Day Waiver waiving the applicant's right to have a hearing set within 49-days from the date the appeal was filed.

#### Appellants' Contentions

On November 30, 2006 Commissioners Meg Caldwell and Sara Wan appealed the County of San Mateo's decision to approve the project. The appellants contend that the project is not consistent with policies of the County's LCP regarding agricultural land protection because (1) it diminishes the ability to keep all land suitable for agriculture, both on and adjacent to the project site, in agricultural production; (2) does not minimize conflicts between agricultural and non-agricultural land uses; and (3) does not minimize encroachment of all development upon land which is suitable for agricultural use. The full text of the contentions is included as Exhibit No. 5.

#### Appeal Process

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

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments that constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal of a County approval that is not located between the sea and the first public road paralleling the sea are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program.

The single-family house approved by the County of San Mateo is appealable to the California Coastal Commission because it is not the principally permitted use within the Planned Agricultural District (PAD), in which the project is sited. The property affected

by the approved development is zoned Planned Agricultural District or PAD. The County's zoning ordinance fails to designate one principally permitted use for the PAD zoning district for purposes of determining whether development approved by the County can be appealed to the Commission. Moreover, none of the enumerated principally permitted uses for the PAD district include a single-family residence. Instead, because the land is zoned PAD and the applicant proposes a residential structure, a special PAD use permit is required for approval of the residential structure.

### Project Location and Site Description

The project approved by the County is located inland of Highway 1, on a 60-acre parcel off of Willowside Ranch Road and Stage Road in the unincorporated San Gregorio area of San Mateo County (Exhibit No. 1).

The 60-acre subject property is located approximately 1-mile inland from the coast on rural agricultural area lands defined as "lands suitable for agriculture" in the certified San Mateo County Local Coastal Program (LCP). It is located on Willowside Ranch Road, a private road where access is limited to property owners via a locked gate, accessed off of Stage Road. Approximately 35 acres of the site is in agricultural cultivation for oats. There is an existing dirt road entering the property from the north that provides access to a concrete pad, which was formerly the site of a dog kennel (previous owner). The County-approved house site is upslope from this road, on the crest of a hill to the west within the actively farmed area. The County-approval also authorized the grading of a new 940-foot-long driveway off of the existing driveway within the actively farmed area (Exhibit No. 3). The parcel is currently under a Williamson Act Contract.

### Project Description

The project approved by the County consists of a new 2,595 square foot one-story residence with a 1,000 square foot deck and a detached 960 square foot garage. The project also includes a new private driveway 940 feet long and 20 feet wide, widening to 25 feet at the project site. Approximately 230 cubic yards of grading (cut) was approved for this driveway. Additional grading quantities include 96 cubic yards for the house, 55 cubic yards for the garage, and 25 cubic yards for the water tanks. The approved driveway would connect to an existing dirt road, which would be graveled and widened to 20-feet. The approved project also includes the certification of a previously drilled well for a domestic well, two 5,000-gallon buried water storage tanks for domestic use and fire suppression capability. An on-site septic system and leachfield was also approved, as well as a 300-gallon liquid propane gas tank and an underground electric power line.

### Substantial Issue Analysis

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

The contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP.

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. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., tit. 14, 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.

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 exercises its discretion and determines that the development as approved by the County presents a substantial issue.

#### Allegations that Raise Substantial Issue

**The Commission finds that the appeal raises a substantial issue with respect to conformance of the approved project with policies of the San Mateo County certified LCP regarding agriculture.**

### Agricultural Resources/Locating New Development

#### *Appellants' Contentions:*

The appellants contend that the project is not consistent with policies of the County's LCP regarding agricultural land protection because it: (1) diminishes the ability to keep all land suitable for agriculture, both on and adjacent to the project site, in agricultural production; (2) does not minimize conflicts between agricultural and non-agricultural land uses; and (3) does not minimize encroachment of all development upon land which is suitable for agricultural use.

#### *Applicable 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.***

**[Emphasis added.]**

### LUP 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.*

### 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.*

**[Emphasis added.]**

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.*

**[Emphasis added.]**

Zoning Code 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...*

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...***

***[Emphasis added.]***

*Discussion:*

The approved development is located on a 60.2-acre property zoned PAD (Planned Agricultural District). The soils on the entire project site are classified as Class IV under the County General Plan Soils Map and are designated as “lands suitable for agriculture” capable of supporting dry farming and grazing. The California Department of Conservation Important Farmlands Map identifies the site as “Grazing Lands.” Although the site does not contain prime soils, it is considered “other lands suitable for agriculture” as defined under LCP Land Use Plan (LUP) Policy 5.3. At present (and for the last 20-years), 35 acres of the site are cultivated with oats for hay.

LUP 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, LUP Policy 5.10 prohibits conversion of lands suitable for agriculture to conditional uses unless all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, the productivity of any adjacent agricultural lands is not diminished and clearly defined buffer areas are developed between agricultural and non-agricultural uses.

As approved by the County, the house would be located within an actively cultivated area, and would convert approximately 15,000 square feet of agricultural land to a residential use, a conditional use in the San Mateo County certified LCP. There is a feasible alternative building location, located outside the cultivated area that is already cleared and developed with a concrete pad by the previous owner. The Commission's staff geologist and biologist have opined that the site is developable, consistent with the LCP. There is also evidence, based on the 15,000 square foot building envelope and its associated grading and construction, that the County-approved development would diminish the ability to keep the lands in agricultural production. Therefore, the appeal raises a substantial issue of conformity of the County's approval with regard to LCP policies limiting the conversion of agricultural land to a conditional use, and maximizing the ability to keep all lands suitable for agriculture in agricultural production.

Therefore, the Commission finds that the County approval of the subject development raises a substantial issue of conformity with LUP Policies 1.8 and 5.10.

In addition, the purpose of the Planned Agriculture Development (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. Zoning Code Section 6355.A.2 requires that all development on agricultural lands is clustered. The approved development would occupy a total of 15,000 square feet of agricultural lands. The Commission has found in other cases that a 10,000-square-foot development envelope is sufficient area to accommodate a single-family residence and associated development. As in these other cases, it appears that the approved development could feasibly be clustered within a substantially smaller development envelope. As such the approved development raises a substantial issue of consistency with Zoning Code Sections 6355.A.1 and 6355.A.2 in regards to minimizing encroachment and clustering development on agricultural lands.

Further, conflicts may also occur between the approved residential development and continued agricultural activities in the undeveloped areas 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 residents. The LCP requires the maximum amount of agricultural lands remain in agricultural production by, among other means, minimizing conflicts between non-agricultural 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 residential uses such as a right-to-farm deed restriction or to ensure continued agricultural production on the portion of the property outside of the approved development envelope such as an agricultural conservation easement. Therefore, the appeal raises a substantial issue of conformity with LUP Policy 5.10 and Zoning Code Section 6355.f, which prohibit the conversion of lands suitable for agriculture to non-agricultural uses unless the development would not diminish the productivity of adjacent agricultural lands.

*Conclusion:*

For all of the above-stated reasons, the Commission finds that the appellants' contentions regarding the County's action and its inconsistency with the LCP's agricultural protection policies raise a substantial issue of conformity of the approved project with the agricultural and new development policies of the certified LCP.

## **VII. FINDINGS AND DECLARATIONS: DE NOVO REVIEW OF CDP APPLICATION**

The Commission hereby finds and declares as follows:

### Incorporation of Substantial Issue Findings

The Commission hereby incorporates by reference the Substantial Issue Findings above as if set forth in full.

### Project Location and Description

The project approved by the County consists of a new 2,595 square foot one-story residence with a 1,000 square foot deck and a detached 960 square foot garage. The project also includes a new 940 foot-long, 20 foot wide private driveway, widening to 25 feet at the project site. Approximately 230 cubic yards of grading (cut) was approved for this driveway. Additional grading quantities include 96 cubic yards for the house, 55 cubic yards for the garage, and 25 cubic yards for the water tanks. The approved driveway would connect to an existing dirt road, which would be graveled and widened to 20-feet. The approved project also includes the certification of a previously drilled well for a domestic well, two 5,000-gallon buried water storage tanks for domestic use and fire suppression capability. An on-site septic system and leachfield was also approved, as well as a 300-gallon liquid propane gas tank and an underground electric power line.

The 60-acre subject property is located approximately 1 mile inland from the coast on rural agricultural area lands. It is in the unincorporated San Gregorio area of San Mateo County located off of Stage Road, on Willowside Ranch Road, a private road where access is limited to property owners via a locked gate (Exhibit No. 1). Approximately 35 acres of the site is in agricultural cultivation for oats. There is an existing dirt road entering the property from the north that provides access to a concrete pad, which was formerly the site of a dog kennel (previous owner). The County-approved house site is upslope from this road, on the crest of a hill to the east within the actively farmed area. The County-approval also authorized the grading of a new 940-foot-long driveway off of the existing driveway within the actively farmed area (Exhibit No. 3). The parcel is currently under a Williamson Act Contract.

### Agricultural Resources

*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...***

**[Emphasis added.]**

LUP 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.*

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

*a. Permit agriculture 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 grazing growing, or pasturing 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 purposes, 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) multiple 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.**

***[Emphasis added.]***

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.*

Zoning Regulation 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.***

***[Emphasis added.]***

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...*

G. *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...***

*Agricultural Land Conversion:*

The protection of agricultural land is a primary goal of the San Mateo County Local Coastal Program (LCP). Of the approximate 88,000 acres in the San Mateo County coastal zone, nearly 70% (approximately 61,000 acres) is zoned *Planned Agricultural District* (PAD). This land is either in active agricultural use or has the potential for such use. The total gross value of San Mateo County agriculture for 2003 was \$180,621,000 (this gross value does not reflect the cost of production). The total gross value, however, does not reflect the real impact agricultural production has on the local economy. For every dollar of agricultural production, a multiplier of 3.5 may be applied. Using this factor, the estimated economic impact of agriculture on San Mateo County for

2003 was \$632,173,500.<sup>1</sup> 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 a decreasing amount of land available for agriculture, including a shortage of rental land, high land rental rates, and ranchette and urban development that leads to the loss of farms and farmland.<sup>2</sup>

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 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.*

LUP 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 Planned Agricultural District, 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 development a clear and overriding priority on the rural San Mateo County rural coastside.

LUP Policies 5.5(a) and 5.6(a) and corresponding Zoning Code Section 6352 specify the limited range of principal permitted uses that are allowable on prime agricultural lands and other lands suitable for agriculture. LUP 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. New

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<sup>1</sup> *San Mateo County 2003 Agricultural Report*. San Mateo County Department of Agriculture/Weights & Measures.

<sup>2</sup> *San Mateo County Agricultural Industry Profile & Strategic Farmland Maps, Final Report*. American Farmland Trust, 2004.

residential development, whether agriculturally related or not, is not a principally permitted use on either prime agricultural lands or other lands suitable for agriculture.

The subject residential development as approved by the County raises fundamental questions about the conversion of rural land from agriculture to residential use. The development includes the construction of an approximately 2,595 square foot single-family residence and related development on rural PAD land that has historically been in agricultural production. Approximately 35-acres of the site is cultivated for oats by a neighboring farmer. The project as approved by the County would be located within the actively farmed area and would convert approximately 15,000 square feet from agriculture to residential use. This building envelope with its associated grading and construction would diminish the ability to keep the lands in agricultural production.

As approved by the County, the subject development is inconsistent with LUP Policy 1.8 and 5.10. LUP 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, LUP Policy 5.10 prohibits conversion of lands suitable for agriculture to conditional uses unless all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, the productivity of any adjacent agricultural lands is not diminished and clearly defined buffer areas are developed between agricultural and non-agricultural uses. In this case, there is an alternative building location, located outside the cultivated area that is already cleared and developed with a concrete pad by the previous owner. This is not suitable for farming as the building pad is comprised of un-engineered fill. The Commission's staff geologist and biologist have opined that the site is developable consistent with the geologic hazards and sensitive habitat policies of the LCP. Therefore, because there is an alternative site that is unsuitable for agriculture that could be used for the residential development, the residential development authorized by the County is not approvable consistent with LUP Policy 5.10 and LUP Policy 1.8.

Further, the development of non-farming related single-family homes on agricultural lands is contrary to the goal of keeping agricultural lands in agricultural production. Given increasingly high housing costs, agricultural use cannot compete with the use of land for residential development even on a large un-subdivided 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 loss of agricultural production on agricultural land in conflict with the LCP requirement to maintain the maximum amount of agricultural land in agricultural production. One measure identified to address this issue is the recordation of agricultural conservation easements that ensure that land remains *in* agricultural use as opposed to simply remaining *available* for agricultural use. These measures have been adopted or are currently under consideration by many jurisdictions throughout the state and nation.

**In recognition of all of the above issues, the applicant has proposed to modify the project description by moving the house to the already disturbed unfarmed area with an existing concrete pad and access road, and by restricting the**

**development envelope to 10,000 square feet (Exhibits 6, 7, and 8). The applicant has also proposed to record an “Affirmative Agricultural Easement” over the rest of the property to ensure that the lands remain in agricultural production in perpetuity.** Special Condition Nos. 1 and 2 reflect these proposals and the Commission finds that such measures are necessary to maintain the maximum amount of agricultural land in production and to minimize conflicts with other land uses consistent with LUP Policies 5.10 and 1.8. The Commission also finds that these measures implement LUP Policies 1.8 and 5.10 by discouraging the continuation of the trend to treat agricultural lands as new home sites, where agricultural use becomes secondary to residential development.

*Right to Farm:*

As discussed above, conflicts may occur between residential and agricultural land uses when in close proximity. Typical conflicts 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.

**Special Condition 3** implements the requirements of LUP Policy 5.10(a)(8) and Zoning Regulation Section 6355(G)(3) 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. **Special Condition 4** requires the applicant to record a deed restriction meeting the requirements of the above cited LCP policies, thereby providing the property owner and future owners with notice of the restrictions contained in Special Condition 3.

As conditioned, the Commission finds that the proposed development is consistent with LUP Policies 1.8, 5.10, 5.15, and Zoning Code Section 6361.D.

*Water Use:*

LUP Policy 5.22 requires that non-agricultural development not diminish water supplies for agriculture or the surrounding watershed. There is an existing well on the property that would serve the home and the applicant is proposing to install water tanks for storage. Usage of this well for non-agricultural purposes would not diminish supplies for agriculture or the surrounding watershed because the property has historically been dry-farmed and no irrigation is needed. If irrigation were needed in the future, **Special Condition No. 2** requires the owner to provide the necessary water infrastructure to the

agricultural operation. As conditioned, the Commission finds that the development as conditioned is consistent with LUP Policy 5.22.

### Conclusion

As modified by the applicant and conditioned, the Commission finds that the proposed project is consistent with LUP Policies 1.8, 5.10, 5.15, 5.22, and certified zoning sections 6350, 6355, and 6361.

## **Sensitive Habitat**

### *Applicable 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.*

#### **\*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.*

#### **7.11 Establishment of Buffer Zones**

- a. On both sides of riparian corridors, from the limit of riparian vegetation extend **buffer zones** 50 feet outward for perennial streams and **30 feet outward for intermittent streams**.*
- b. Where no riparian vegetation exists along both sides of riparian corridors, **extend buffer zones** 50 feet from the predictable high water point for perennial streams and **30 feet from the midpoint of intermittent streams**...*

#### **7.18 Establishment of Buffer Zones**

***Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation.*** This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be

*required as necessary to maintain the functional capacity of the wetland ecosystem.*

### 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 snakes 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.*

There is a small unmapped ephemeral drainage located on the northeast side of the property and adjacent to the proposed building site ("dog kennel site"). This drainage is characterized by coyote bush, and there is no riparian vegetation, but it does contain and channel water during the winter rainy months and flows to a spring-fed wetland located approximately 200-feet to the South of the proposed building location. According to the applicant, this wetland was historically used as a stock pond when cattle were grazed on the property. The Commission finds that the development as proposed is consistent with LUP Policy 7.8 which requires a 100-foot buffer between development and wetlands due to the fact that the proposed relocated building envelope would have a buffer of approximately twice the required length. LUP Policy 7.11 requires a 30 - foot buffer to be maintained between intermittent streams and development. The proposed building envelope would be located with a 33-foot buffer from the drainage channel. **Special Condition No. 1** requires the applicant to maintain the 10,000 square foot building envelope and 33-foot buffer from the drainage and that prior to issuance of the permit, the applicant submit final plans demonstrating this buffer has been maintained. Further, **Special Condition No. 6** requires the applicant to implement best management practices during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. Further, in regards to the wetland, **Special Condition No 2** requires that the remainder of the parcel that is located outside the 10,000 square foot building envelope, including the wetland area, be placed under an agricultural conservation easement, which only allows for the continuation of agricultural harvesting/production in the wetland but precludes placement of agricultural structures or residential development in the wetland. As conditioned, the proposed relocated project would be sited and designed to prevent impacts that could significantly degrade the ephemeral drainage or sensitive habitats located down stream, such as the wetland, consistent with LUP Policy 7.3, 7.11, and 7.8.

The California Red Legged Frog and San Francisco Garter Snake and their habitats are protected under sensitive habitats policies of the LCP, including, but not limited to, 7.1, 7.3, and 7.36. The red-legged frog is a California species of special concern, and is also a federally Threatened species. Both the state and federal governments list the San Francisco garter snake as Endangered. The California Department of Fish and Game's California Natural Diversity Database identifies these species in the San Gregorio quadrangle but there have been no recorded sightings on the subject property. As described above, there is a small ephemeral drainage 33-feet east of the proposed relocated building envelope, and a wetland located approximately 200-feet away to the South. While the area surrounding the pond and wetland could provide habitat for the frog and the snake due to the year-round pooled water and tall grasses, the Commission's Staff Biologist opines that the ephemeral drainage area does not provide suitable habitat for either species. Further, in regards to dispersal habitat for the CRLF and SFGS from the wetland area, there are plenty of alternative dispersal corridors for movement to the South, East, and West of the wetland, and these species are more likely to travel over these high-grass vegetated areas rather than the disturbed, un-vegetated, open alternative building site to the North of the wetland. Still, no focused surveys for these species have been conducted to date and there remains the potential for frogs and snakes to occur on or in proximity to the building site. Therefore, the Commission imposes **Special Condition No. 5**, which requires the installation of snake and frog exclusionary fencing around the building envelope and staging areas, pre-earth-moving CRLF and SFGS biological surveys, and that a qualified biologist, approved by the U.S. Fish and Wildlife Service and California Department of Fish and Game monitor all earth-moving activities for the presence of these species. If a frog or snake is found, the condition requires the applicant contact the U.S. Department of Fish and wildlife for further avoidance measures. As conditioned, the Commission finds that the proposed relocated project is consistent with LUP Policies 7.1, 7.3, and 7.36.

### **VIII. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (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 that would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. The proposed project has been conditioned to be found consistent with the policies of the Coastal Act and to minimize or eliminate all significant adverse environmental effects. Mitigation measures have been imposed to (1) ensure that development occurs outside of any sensitive habitat areas, (2) avoid adverse impacts to the scenic qualities of the area, (3) minimize and restrict

encroachment of development into agricultural areas, and (4) protect and preserve the agricultural resources of the property. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts, which the development may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with Coastal Act requirements to conform to CEQA.

#### Exhibits

- 1 Location Map
- 2 County -Approved Project Site Location
- 3 County-Approved Site Plan
- 4 San Mateo County Notice of Final Local Action
- 5 Appeal filed by Meg Caldwell and Sara Wan
- 6 Applicant's letters detailing proposed project modification
- 7 Proposed-Relocated Project Site Location
- 8 Proposed-Relocated Site Plan
- 9 Elevations
- 10 San Mateo County Approved Agricultural Land Management Plan
- 11 Commission Staff Comment Letter to San Mateo County

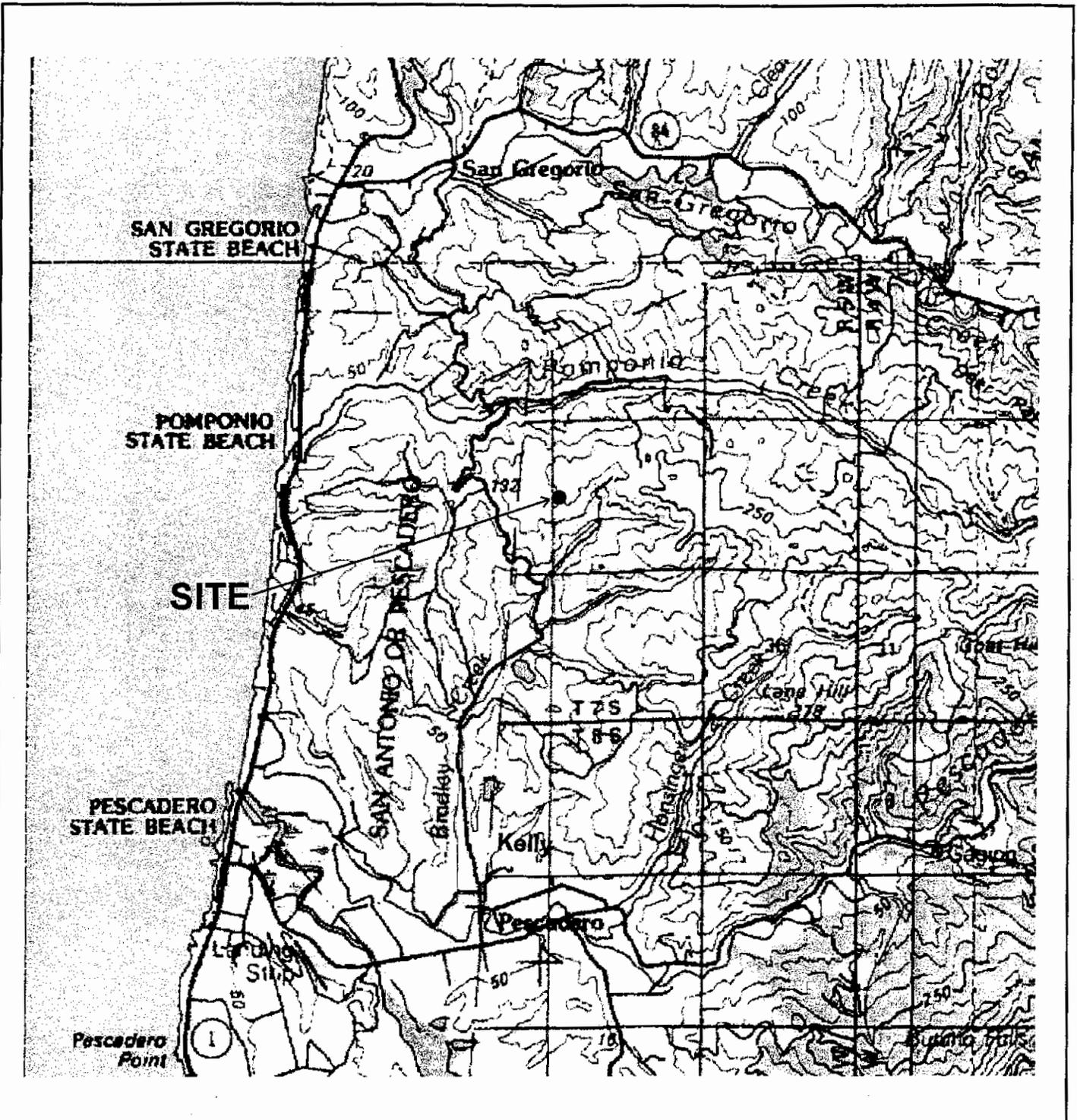


Exhibit No. 1  
 Application No. A-2-SMC-06-021 (Chan)  
 Location Map



	Figure 1
	Date: 11/6/06
	Job No.: 06-168
<b>Site Location Map</b> Chan Property, Stage Road, Pescadero	

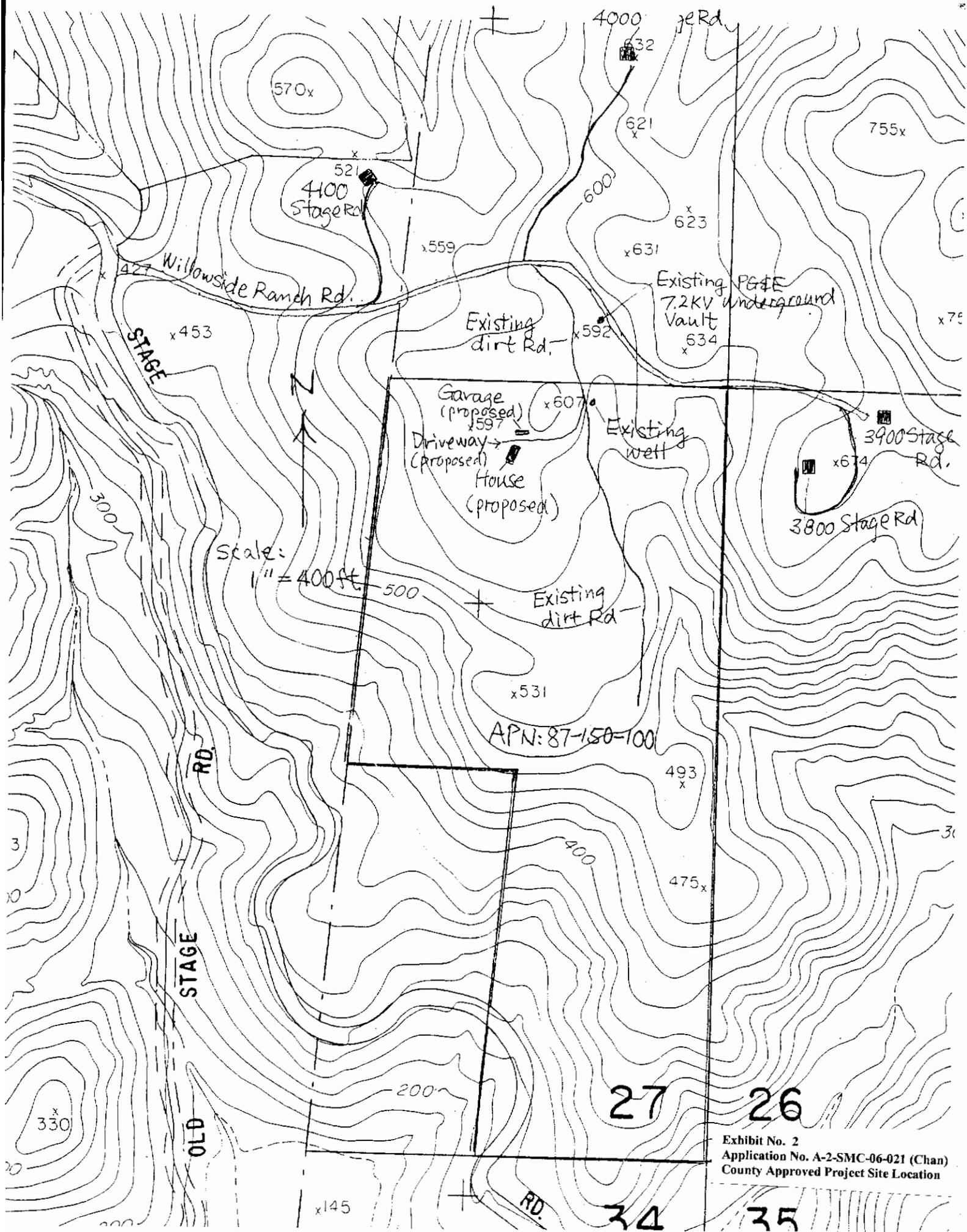
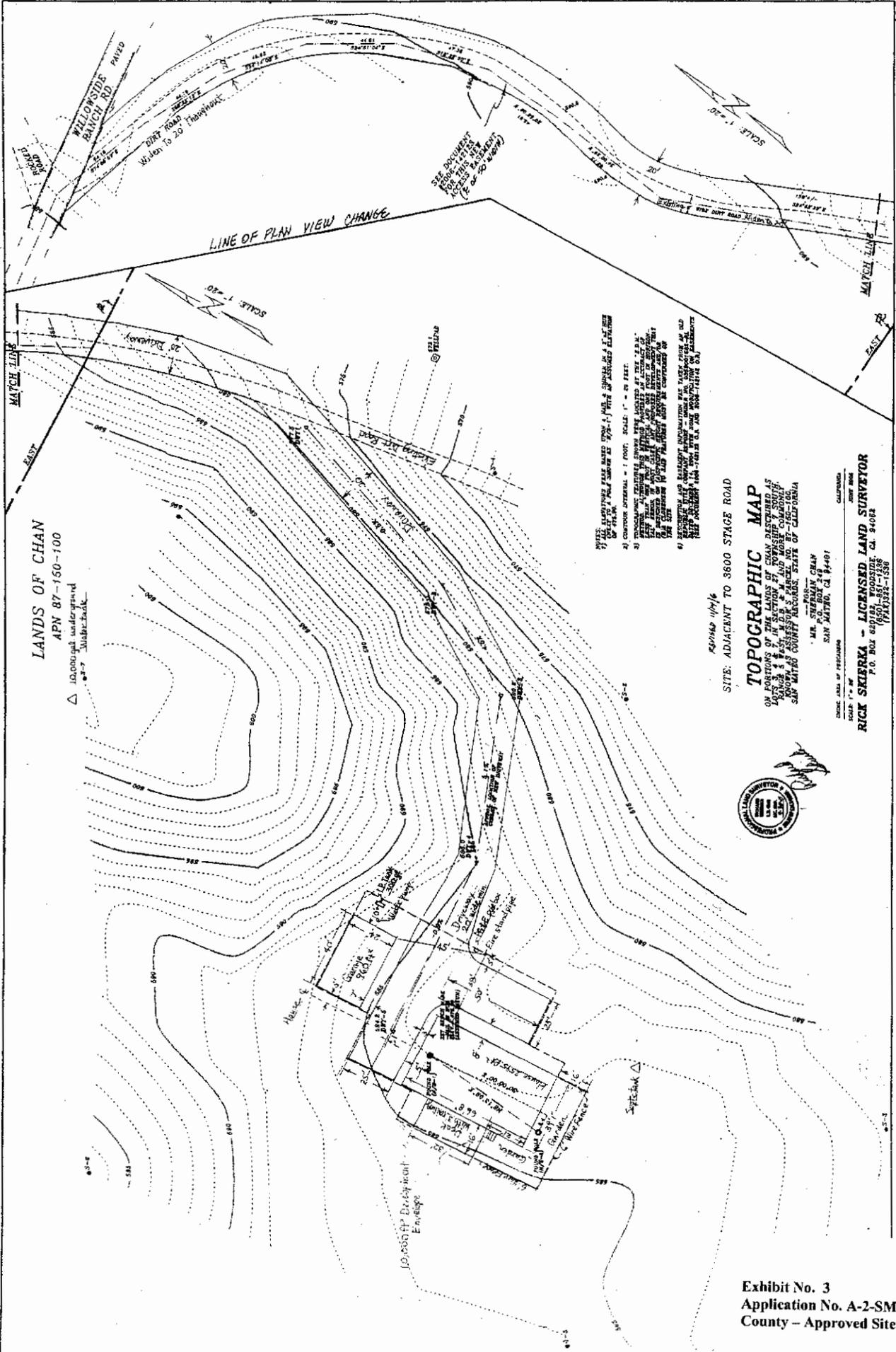


Exhibit No. 2  
 Application No. A-2-SMC-06-021 (Chan)  
 County Approved Project Site Location



LANDS OF CHAN  
 APN 87-150-100  
 Δ 10,000 sq ft underground  
 Water Tank

LINE OF PLAN VIEW CHANGE

- NOTES:
- 1) ALL ELEVATIONS ARE BASED UPON A POINT 4 FEET ABOVE THE MEAN SEA LEVEL OF THE OCEAN.
  - 2) CONTOUR INTERVAL = 1 FOOT. SCALE: 1" = 40 FEET.
  - 3) UNDESIGNATED FEATURES SHOWN HERE LOCATED BY THE L.P.M. SURVEYOR AND ARE NOT NECESSARILY SHOWN ON THE ORIGINAL SURVEY. THE L.P.M. SURVEYOR HAS MADE A VISUAL CHECK OF THE LOCATION OF THESE FEATURES AND HAS FOUND THEM TO BE IN THE GENERAL NEARLY CORRECT LOCATION AS SHOWN ON THE ORIGINAL SURVEY.
  - 4) ALL DIMENSIONS ARE BASED UPON THE ORIGINAL SURVEY AND ARE NOT NECESSARILY SHOWN ON THIS MAP.
  - 5) ALL DIMENSIONS ARE BASED UPON THE ORIGINAL SURVEY AND ARE NOT NECESSARILY SHOWN ON THIS MAP.

REVISION 1/1/76  
 SITE: ADJACENT TO 3600 STAGE ROAD

**TOPOGRAPHIC MAP**  
 ON PORTIONS OF THE SECTIONS OF TOWNSHIP 27 SOUTH  
 RANGE 4 EAST, S.B. 11 N. AND RANGE 4 EAST, S.B. 12 N.  
 SAN MATEO COUNTY, CALIFORNIA

MR. RICK SKIERKA  
 SAN MATEO, CALIFORNIA  
 LICENSED LAND SURVEYOR  
 P.O. BOX 36124, FOODSTIE, CA. 94022  
 (415) 332-1528



Exhibit No. 3  
 Application No. A-2-SMC-06-021 (Chan)  
 County - Approved Site Plan

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

November 6, 2006

2-SMC-06-012

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

**RECEIVED**

NOV 08 2006

CALIFORNIA  
COASTAL COMMISSION

**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

**County File No. : PLN2005-00381**

Applicant Name: SHERMAN CHAN  
Owner Name: SHERMAN CHAN

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on **October 24, 2006**. The County appeal period ended on **November 2, 2006**. 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 M. SEUBERT at (650) 363-4161.

M. SEUBERT

Project Planner

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260

www.coastal.ca.gov



## NOTIFICATION OF DEFICIENT NOTICE

DATE: November 9, 2006

TO: Matthew Seubert, Planner III  
 County of San Mateo, Building & Planning  
 455 County Center  
 Redwood City, CA 94063

FROM: Ruby Pap, Coastal Program Analyst *RP*

RE: Local Permit No. PLN2005-00381 (Commission File No. 2-SMC-06-012)

Please be advised of the following deficiency(ies) in the notice of local action we have received for Local Permit No. PLN2005-00381 pursuant to 14 Cal. Admin. Code Section 13571 or 13332.

Applicant(s): **Sherman Chan**

Description: **Construction of a new 2,595 sq.ft. single family residence, certification of a previously drilled domestic well, a detached 960 sq.ft. garage, an access driveway, a liquid propane gas tank, two buried water tanks, and an on-site septic system and leachfield located off Willowside Range Road.**

Location: **Stage Road, Pescadero (San Mateo County) (APN(s) 087-150-060, 087-150-070, 087-150-090, 087-150-100, 087-150-130, 087-150-140, 087-150-150, 087-150-170, 087-150-180, 087-150-190, 087-150-200, 087-150-210, 087-150-220, 087-150-230, 087-150-240, 087-150-250)**

Deficiency noted by check mark below:

1.  Project description not included or not clear.
2.  Conditions for approval and written findings not included.
3.  Procedures for appeal of the decision to the Coastal Commission not included.
4.  Notice not given to those who requested it.
5.  Notice does not indicate if local government action is appealable to Coastal Commission.
6.  Final Local Action Notice not sent by first class mail.
7.  Local appeal period is still pending.

As a result of the deficiency(ies) noted above:

Post-Certification LCP Permits:

The effective date of the local government action has been suspended, and the 10 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

Post-Certification LUP Permits:

The effective date of the local government action has been suspended, and the 20 working day Commission appeal period will not commence until a sufficient notice of action is received in this office. (14 Cal. Admin. Code Sections 13570, 13572.)

If you have any questions, please contact Ruby Pap at the North Central Coast District office.

cc: Sherman Chan

Exhibit No. 4 (Page 2 of 10)  
 Application No. A-2-SMC-06-021 (Chan)  
 Notice of Final Action

RECEIVED

NOV 14 2006

CALIFORNIA  
COASTAL COMMISSION  
NORTH CENTRAL COAST

Please reply to: Matthew Seubert  
(650) 363-1829

October 19, 2006

PROJECT FILE

Sherman Chan  
PO Box 249  
San Mateo, CA 94401

**Subject:** PLN2005-00381  
**Location:** Willowside Ranch Road, San Gregorio  
**APN:** 087-150-100



**ENVIRONMENTAL  
SERVICES  
AGENCY**

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

On October 19, 2006, the Zoning Hearing Officer considered your request for a Planned Agricultural Permit, a Coastal Development Permit, pursuant to Sections 6353 and 6328.4, respectively, of the County Zoning Regulations for the construction of a new 2,595 sq ft residence with a 1,000 sq ft deck, a detached 960 sq ft garage, an access driveway, an LP Gas tank, two buried water tanks, and an on-site septic system and leach field in unincorporated San Gregorio. The project also includes certification of a previously drilled but uncertified domestic well.

The Zoning Hearing Officer made the findings and approved this project subject to the conditions of approval as attached.

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) working days from such date of determination. The appeal period for this project will end on **November 2, 2006, at 5:00 p.m.**

This permit 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 run consecutively, not concurrently, 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 any questions concerning this item, please contact the Project Planner above.

Very truly yours,

George Bergman  
Zoning Hearing Officer

Exhibit No. 4  
Application No. A-2-SMC-06-021 (Chan)  
Notice of Final Action

(Page 3 of 10)

**PLANNING AND BUILDING**

County of San Mateo  
Environmental Services Agency  
Planning and Building Division

**FINDINGS AND CONDITIONS OF APPROVAL**

**FINDINGS**

Found that:

For the Environmental Review

1. The project is categorically exempt from CEQA, Section 15303 (Class 3, construction of a single-family residence).

For the Planned Agricultural District Permit

2. As discussed in Section A.3 of the staff report, this project, as conditioned, has been reviewed under and found to be in compliance with the Substantive Criteria for Issuance of a Planned Agricultural Permit, including Water Supply Criteria and Criteria for the Conversion of Land Suitable for Agriculture, as mandated by Section 6355 of the Zoning Regulations.

For the Coastal Development Permit

3. 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 Local Coastal Program (LCP). Specifically, as discussed in Section A.2 of the staff report, the project conforms to policies regarding locating and planning new development, agriculture, sensitive habitats, visual resources and hazards.
4. The project conforms to the specific findings required by the policies of the LCP. As mentioned under Finding No. 3, the project conforms to policies regarding locating and planning new development, agriculture, sensitive habitats, visual resources and hazards.

**CONDITIONS OF APPROVAL**

Planning Division

1. This approval is for the project as described on the plans and documents approved by the Zoning Hearing Officer on October 19, 2006. Any further revisions to these plans must be submitted to the Planning Division for review and approval before implementation. The Community Development Director may approve minor adjustments to the project if they are consistent with the intent of and in substantial conformance with this approval. Any other development of the property will be subject to a separate permitting process.

2. These permits do not allow the cutting of any significant trees.
3. If, after one year from the date of approval, the applicant has not obtained all other necessary permits and made substantial progress toward completing the proposed development, these PAD and Coastal Development Permits will expire. These permits may be extended beyond one year if the applicant requests an extension in writing and submits payment of applicable extension fees at least 60 calendar days before the expiration date.
4. The applicant shall apply for and be issued a building permit and comply with all requirements of that permit before initiating construction of the project.
5. Prior to the issuance of the building permit, the applicant shall submit a geotechnical report in accordance with the standards of the San Mateo County Geotechnical Section.
6. Prior to the issuance of the building permit, the applicant shall submit to the Planning Division for review and approval a stormwater management plan, which shows how transport and discharge of pollutants and soil sediment erosion from the project site will be minimized. The plan shall emphasize the use of pervious materials and minimize water runoff from the site. The goal is to prevent soil sediment and other pollutants from entering local drainage systems and water bodies, and to protect all exposed earth surfaces from erosive forces. The plan shall clearly delineate the types of measures to be used and the location of where the measures will be placed as well as a sectional drawing showing how the measures shall be installed. All erosion control devices shall be installed on-site before any grading activities. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - 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 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 designed to contain and treat runoff.
  - e. The approved stormwater management plan shall be implemented before the issuance of a building permit.

7. The applicant shall submit a permanent stormwater management plan, which shall include a site plan and narrative of the types of permanent stormwater controls that will be installed on-site to minimize the surface water runoff. At a minimum, directly connected impervious areas shall be minimized, future downspouts shall be directed to landscaped areas and pervious materials shall be used for the access road, if possible, and for any future patio or walkway areas near a proposed residence. The permanent stormwater controls shall be in place throughout the life of the project.
8. The applicant shall submit a dust control plan to the Planning Division for review and approval before the issuance of the building permit associated with this proposed project. The plan shall include, but not be limited to, the following control measures:
  - a. Water all active construction areas at least twice daily.
  - b. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
  - c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
  - d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
  - f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - g. Limit traffic speeds on unpaved roads within the project parcel to 15 mph.
  - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - i. Replant vegetation in disturbed areas as quickly as possible.

The approved plan shall be implemented for the duration of any grading and construction activities that generate dust and other airborne particles.

9. The applicant shall ensure that if during construction, any evidence of archaeological traces (human remains, artifacts, concentration of shale, bone, rock, ash) is uncovered, then all construction and grading 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 Community Development Director, in consultation with the applicant and the archaeologist, will determine steps to be taken before construction or grading may continue.
10. The applicant is required to monitor the noise level at the site so that the proposed construction activity will not exceed 80 dBA at any one moment in time. No construction related noise shall exceed those limits mandated by the County Noise Ordinance.
11. Prior to the issuance of a building permit, the applicant shall submit color and material samples of the proposed project and its roof, including the detached garage, for approval by the Community Development Director. The colors and materials shall blend in with the surrounding soil and vegetative cover of the site. The approved colors shall be verified by the Building Inspection Section prior to a final building permit inspection.
12. All utility lines shall be installed underground.
13. Exterior lighting shall be designed, located and directed so that direct rays and glare are confined to the premises.

#### Building Inspection Section

The following will be required at the time of application for a building permit:

14. Prior to pouring any concrete for foundations, written verification from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.
15. An automatic fire sprinkler system will be required. This permit must be issued prior to, or in conjunction with the building permit.
16. A site drainage plan will be required that will demonstrate how roof drainage and site runoff will be directed to an approved location.
17. 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.
18. No wood burning fireplaces or stoves are permitted.

Environmental Health Division

19. At the building permit stage, the applicant shall submit a plot plan showing: topography (5-foot contours), location of the proposed house, driveway, percolation test sites, the septic system and its expansion area, and accessory structures.
20. Prior to the building permit approval, the applicant shall submit an application for the septic system along with three sets of plans showing location of perc test holes, perc data and design of the septic system.
21. Prior to the building permit approval, the applicant shall certify the well as a domestic water source.

California Department of Forestry Fire Protection

The following will be required either at the time of application for a building permit or before final inspection approval of the building permit:

22. An approved automatic fire sprinkler system meeting the requirements of NFPA-13D is required to be installed. 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 Building Inspection Section for review and approval by the County Fire Department. Building plans will not be reviewed until the required sprinkler plans are received by the Building Inspection Section.
23. 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.
24. 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 inspectors 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.
25. A iron standpipe/hydrant with a 2½-inch 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 30 feet from any portion of any building, nor more than 150 feet from the main residence or building.
26. The County Fire Department is required to set a minimum fire flow requirement for the remodel and construction of all buildings using the procedure established in the County Fire Ordinance. A fire flow of 200 gpm for 2 hours with a 20 psi residual operating pressure must be available as specified by additional project conditions to the project site.

27. A Site Plan showing all required components of the water system is required to be submitted with the building plans to the Building Inspection Section for review and approval by the County Fire Department for verification and approval. 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 standpipe and the location of any required pumps and their size and specifications.
28. Because of the fire flow and automatic sprinkler requirements for your project an on-site water storage tank is required. Based upon building plans submitted to the Building Inspection Section the County Fire Department has determined that a minimum of 4,200 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 County Fire Department for review and approval.
29. The water storage tank(s) shall be so located as to provide gravity flow to a standpipe/hydrant, or an approved pump/pressure system shall be provided to produce a minimum of 20 pounds per square inch (psi) residual pressure. Plans and specifications shall be submitted to the Building Inspection Section for review and approval by the County Fire Department.
30. The standpipe/hydrant shall be capable of a minimum fire flow of 200 GPM at 20 PSI residual pressure.
31. Smoke detectors are required to be installed accordance with Section 310.9 of the Uniform Building Code. This includes the requirement for hard-wired, interconnected detectors equipped with battery backup and placement in each sleeping room in addition to the corridors and on each level of the residence.
32. 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.
33. All buildings that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel from the street. An address sign shall be placed at each break of the road where deemed applicable by the County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum 1/2-inch stroke.
34. Remove that portion of any tree that extends within 10 feet of the outlet of any chimney or stovepipe or any portion of the tree that overhangs the roof assembly or is within 5 feet of any portion of the structure.
35. 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 than 30 feet and up to 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.

36. Any chimney's shall have installed onto the opening thereof a galvanized, approved spark arrestor of a mesh not larger than ½ of an inch.
37. All dead-end roadways shall be appropriately marked to standards of the Department of Public Works.
38. 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 gal. - 5 Feet), (125 gal. to less than 500 gal. - 10 feet), (500 gal to less than 2,000 gal. - 25 feet), (2,000 gal or more - 50 feet). The minimum distance a LP gas tank may be installed from a flammable liquids fuel tank is 20 feet.
39. Because of limited access into the property, the County Fire Department is requiring the installation of a Knox Box or Knox Padlock to allow rapid response of emergency vehicles onto your property in case of a fire or medical emergency. For an application or further information, please contact the Fire Protection and Planning office at 650/573-3846.
40. Contact the County Fire Marshal to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Please allow for a minimum of 48-hour notice to the Fire Department at 650/573-3846.

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260

www.coastal.ca.gov



## COMMISSION NOTIFICATION OF APPEAL

DATE: November 30, 2006

TO: Matthew Seubert, Planner III  
 County of San Mateo, Building & Planning  
 455 County Center  
 Redwood City, CA 94063

FROM: Ruby Pap, Coastal Program Analyst *Ruby Pap*

RE: **Commission Appeal No. A-2-SMC-06-021**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: **PLN2005-00381**  
 Applicant(s): **Sherman Chan**  
 Description: **2,595-square-foot house, 960-square-foot garage, driveway, well, water tanks, propane tank, and septic system on 60-acre PAD (Planned Agricultural District) zoned property.**  
 Location: **Off of Willowside Range Road in the unincorporated San Gregorio area, San Mateo County (APN(s) 087-150-100)**  
 Local Decision: **Approved**  
 Appellant(s): **Commissioner Meg Caldwell; Commissioner Sara Wan**  
 Date Appeal Filed: **11/30/2006**

The Commission appeal number assigned to this appeal is A-2-SMC-06-021. The Commission hearing date has been tentatively set for January 10-12, 2007 in Los Angeles. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of San Mateo's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Ruby Pap at the North Central Coast District office.

cc: Sherman Chan

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105-2219

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: Commissioner Meg Caldwell

Mailing Address: Stanford Law School, 559 Nathan Abbott Way, Owen House Room 6

City: Stanford, CA

Zip Code: 94305

Phone: (650) 723-4057

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

San Mateo County

2. Brief description of development being appealed:

2,595-square-foot house, 960-square-foot garage, driveway, well, water tanks, propane tank, and septic system on 60-acre PAD (Planned Agricultural District) zoned property.

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

The project site is located off of Willowside Range Road in the unincorporated San Gregorio area of San Mateo County, APN 087-150-100

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-06-021

DATE FILED: November 30, 2006

DISTRICT: North Central Coast District Office

## 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.

The approved development is inconsistent with the agricultural land protection policies of the San Mateo County Local Coastal Program (LCP) because: (1) it diminishes the ability to keep all land suitable for agriculture, both on and adjacent to the project site, in agricultural production; (2) does not minimize conflicts between agricultural and non-agricultural land uses; (3) does not cluster development on the site; and (4) does not minimize encroachment of development on agricultural land.

The approved development is located on a 60.2-acre property zoned PAD (Planned Agricultural District). The soils on the entire project site are classified as Class IV under the County General Plan Soils Map and are designated as "lands suitable for agriculture" capable of supporting dry farming and grazing. The California Department of Conservation Important Farmlands Map identifies the site as "Grazing Lands." Although the site does not contain prime soils, it is considered "other lands suitable for agriculture" as defined under LCP Land Use Plan (LUP) Policy 5.3. At present (and for the last 20-years), 35 acres of the site are cultivated with oats for hay.

LUP 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. Zoning Code Section 6355.A.2 requires that all development on agricultural lands is clustered. The approved development would occupy a total of 15,000 square feet of agricultural lands. The Commission has found in other cases that a 10,000-square-foot development envelope is sufficient area to accommodate a single-family residence and associated development. As in these other cases, the approved development could feasibly be clustered within a substantially smaller development envelope. As such the approved development is inconsistent with the requirements of Zoning Code Sections 6355.A.1 and 6355.A.2 to minimize encroachment and to cluster development on agricultural lands.

In addition to the direct loss of agricultural lands in the areas occupied by the approved development, conflicts may also occur between the approved residential development and continued agricultural activities in the undeveloped areas 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 residents. The LCP requires the maximum amount of agricultural lands remain in agricultural production by, among other means, minimizing conflicts between non-agricultural development and adjacent agricultural uses as a condition for the approval of non-agricultural development on agricultural lands. The approved development does not include feasible mitigation measures to prevent conflicts between agricultural and residential uses such as a right-to-farm deed restriction or to ensure continued agricultural production on the portion of the property outside of the approved development envelope such as an agricultural conservation easement. As such, the approved development is inconsistent with LUP Policy 5.10 and Zoning Code Section 6355.f, which prohibit the conversion of lands suitable for agriculture to non-agricultural uses unless the development would not diminish the productivity of adjacent agricultural lands.

**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: October 19, 2006

7. Local government's file number (if any): PLN2005-00381

**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:

Sherman Chan  
P.O. Box 249  
San Mateo, CA 94401

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)

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.)

Note: The above description 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.

SECTION V. Certification

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

Signed: Mia Caldwell  
Appellant or Agent

Date: November 30, 2006

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

Signed: \_\_\_\_\_

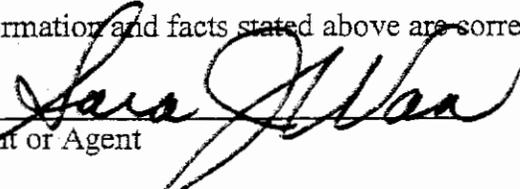
Date: \_\_\_\_\_

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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Date: November 30, 2006

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**RECEIVED**

APR 23 2007

CALIFORNIA  
COASTAL COMMISSION

Date: April 21, 2007

Reference: Commission File No. 2-SMC-06-012

Subject: Drawing of 10,000 square-foot development envelope, and  
Agricultural Conservation Easement

To: Ruby Pap  
California Coastal Commission  
45 Fremont, Ste. 2000  
San Francisco, CA 94105-2219

Dear Ruby:

Please find enclosed two drawings – one full-sized and one reduced –  
showing the 10,000 square-foot development envelope.

I had to change the position of the house slightly to make it fit within the  
envelope. Specifically, I moved the house 3 feet closer to the garage and  
rotated it slightly so that it is exactly perpendicular to the driveway. (The  
position of the garage and the driveway is unchanged.) I also reduced the  
size of the deck from 20'x40' to 15'x32', and added a fenced-in garden next  
to the deck.

On a different subject, I met Brian Rianda of Monterey County Agricultural  
and Historical Land Conservancy at the ranch yesterday. He agreed to have  
the Conservancy be the grantee of the agricultural conservation easement.  
He and I are working on a conservation easement agreement. I will present a  
draft of this agreement at my first hearing before the Coastal Commission.

Sincerely,



Sherman M. Chan  
P.O. Box 249  
San Mateo, CA 94401  
Tel: (650)400-5001

Date: September 17, 2007  
Reference: Commission File No. 2-SMC-06-012  
Subject: Drawings of Proposed House and Garage at the Dog-Kennel Site  
To: Ruby Pap  
California Coastal Commission  
45 Fremont, Ste. 2000  
San Francisco, CA 94105-2219

**RECEIVED**  
SEP 18 2007  
CALIFORNIA  
COASTAL COMMISSION

Dear Ruby:

Per our telephone conversation on September 12, 2007, I am sending you, in the enclosure, two hand drawings showing the proposed house and garage at the dog-kennel site. I have ordered a professional survey of the area. The surveyed drawings will be available at the end of October.

I will be traveling on business this Tuesday through Thursday, but you can reach me by phone (650-400-5001, best after 2pm Pacific Time) or by eMail (schan@aspeninc.com).

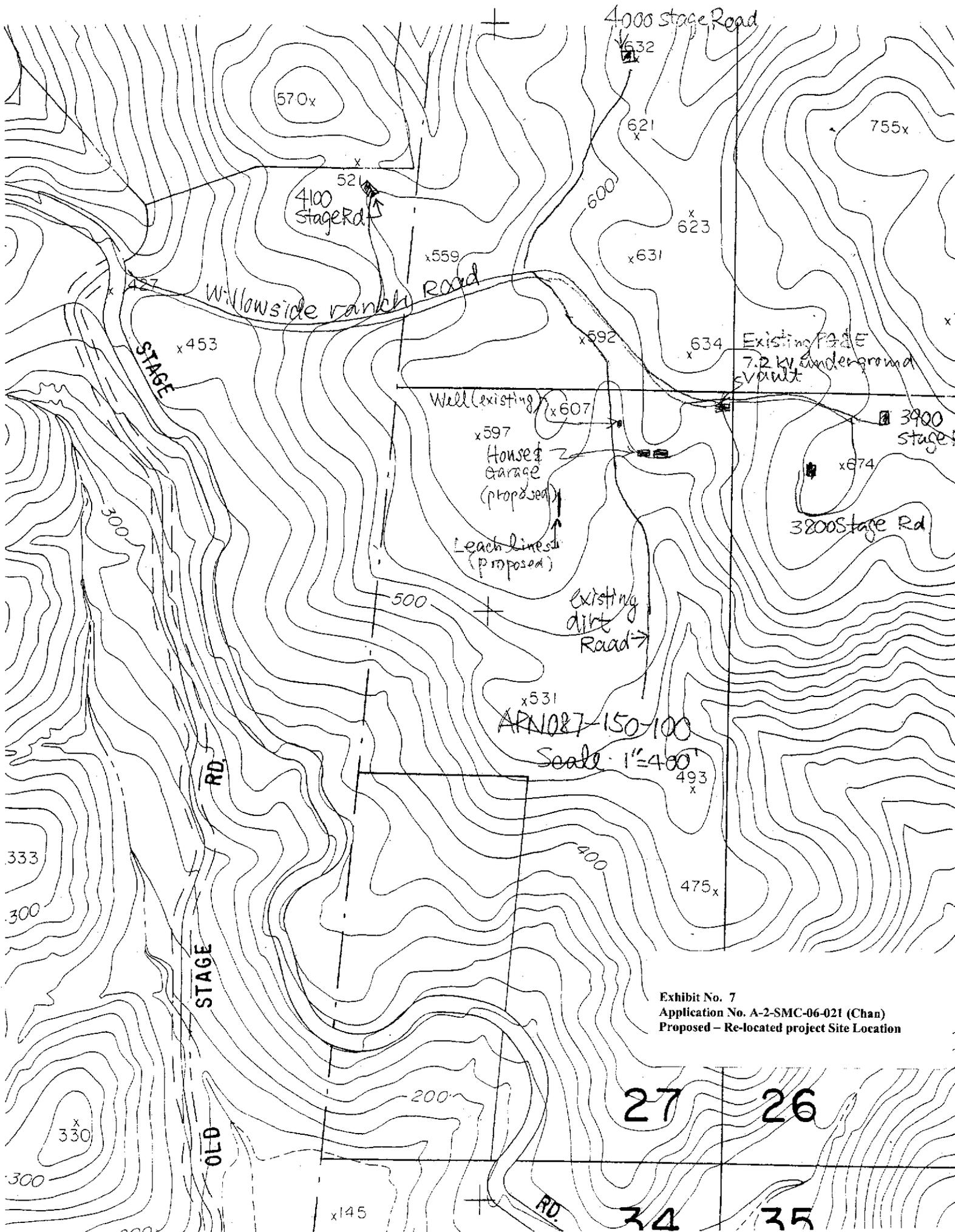
Please let me know if my project is on the Commission's meeting agenda for October. If so, I would like to make the airline reservations as soon as possible.

Thanks very much for your help.

Sincerely,



Sherman M. Chan  
P.O. Box 249  
San Mateo, CA 94401  
Tel: (650)400-5001  
EMail: [schan@aspeninc.com](mailto:schan@aspeninc.com)

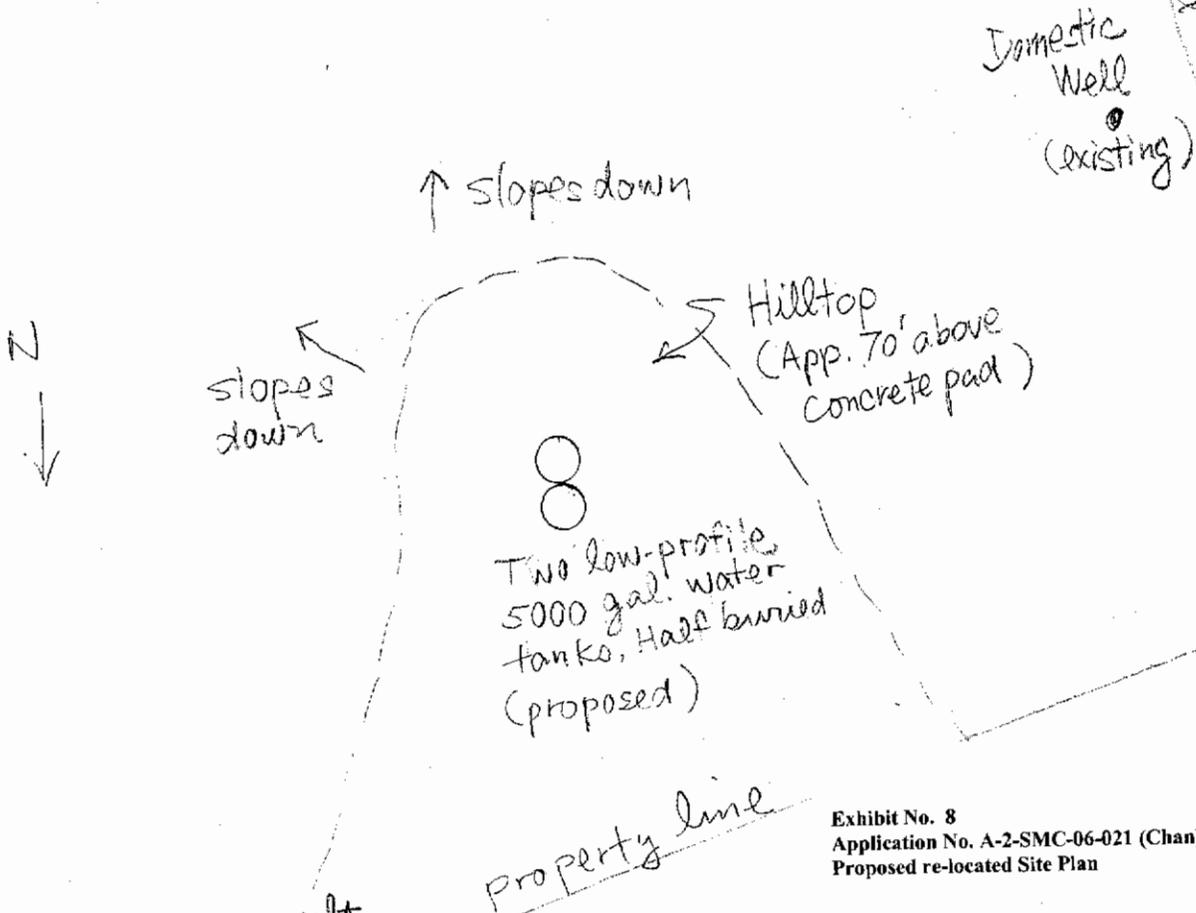
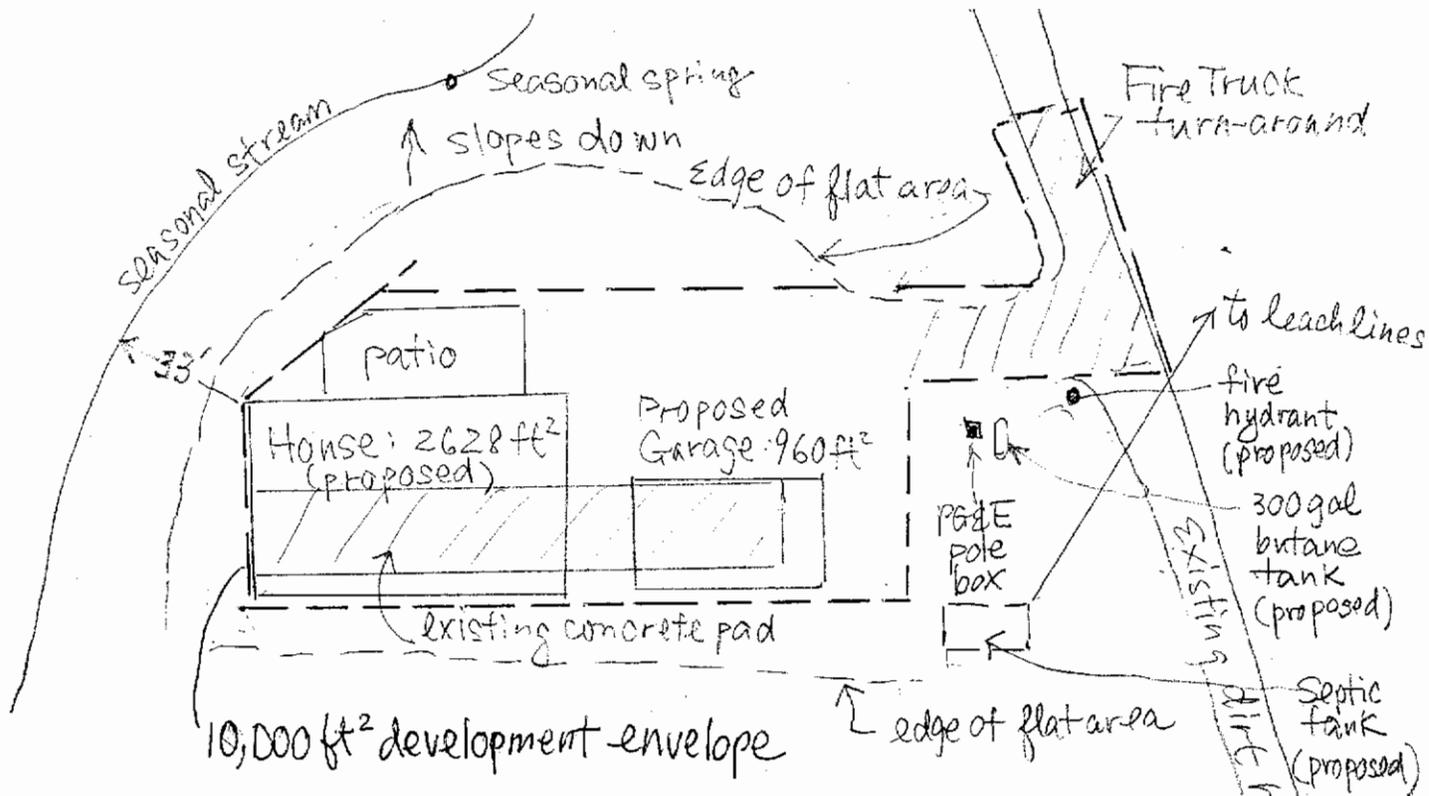


ARN 087-150-100  
 Scale: 1"=400'

Exhibit No. 7  
 Application No. A-2-SMC-06-021 (Chan)  
 Proposed - Re-located project Site Location

27 26

34 35



PG&E 7.2 KV underground vault (existing)

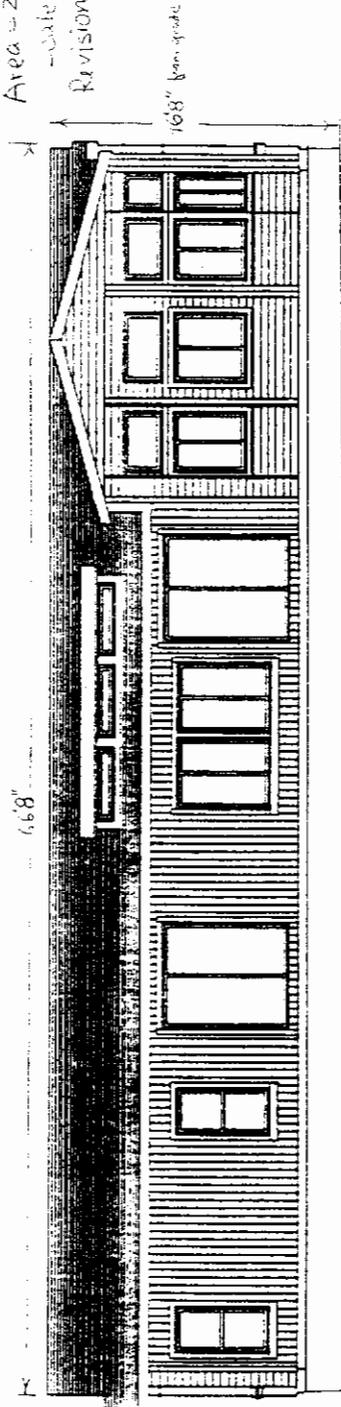
Willowside Ranch Road

Exhibit No. 8  
Application No. A-2-SMC-06-021 (Chan)  
Proposed re-located Site Plan

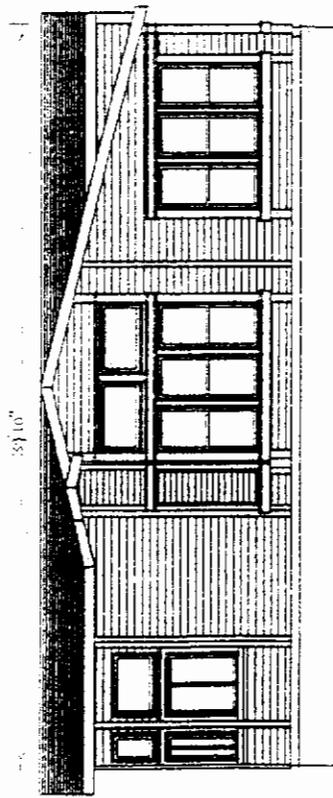
Drawing by Sherman Chan (owner)  
Sept. 15, 2007 Not to scale

APN: 287-150-100

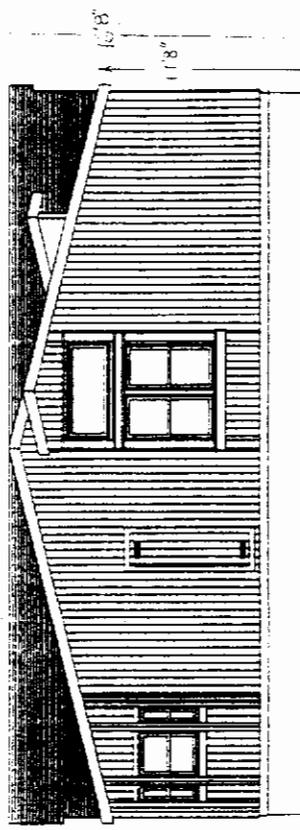
House  
 APN 087-150-100  
 3 bedrooms, 2 Bath  
 Area = 2595 sq ft  
 Date 1-4-01  
 Revision 1 April 2000



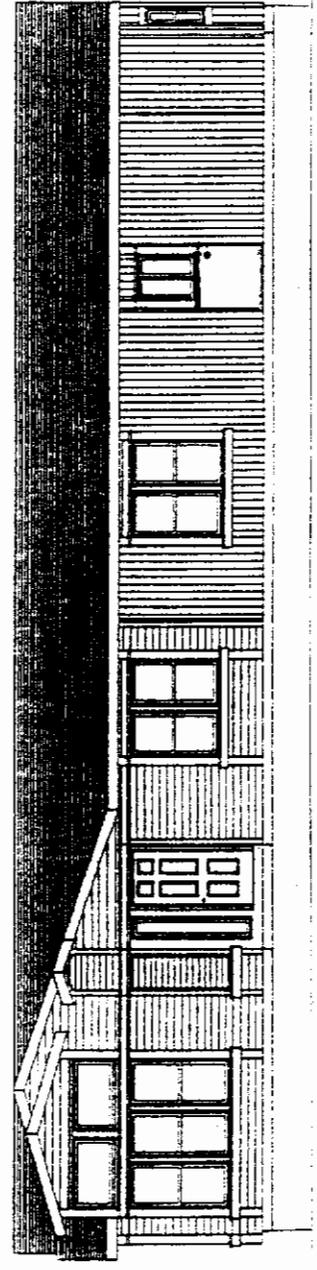
West



South



North



East

**RECEIVED**

APR 26 2006

San Mateo County  
 Planning Division

PLN 5-381

Exhibit No. 9  
 Application No. A-2-SMC-06-021 (Chan)  
 Elevations

DATE	11-9-94	SCALE	1" = 4' ft.	TITLE	ELEVATIONS	MODEL	66/66-8/66/59-10-4BR	COMPUTER No.	M07-151
DESCRIPTION OF REVISIONS									
UPDATED DRAWING	All Heights Are From Grade.								
DATE	11-9-94	SCALE	1" = 4' ft.	TITLE	ELEVATIONS	MODEL	66/66-8/66/59-10-4BR	COMPUTER No.	M07-151

**RECEIVED**

FEB 15 2006

**Agricultural Management Plan  
Revision 1. February 2006**

Applicant: Sherman Chan Parcel: APN 087-150-100  
Planning application Case No: PLN2005-00381

**San Mateo County  
Planning Division****General Description**

The parcel consists of 60 acres of land east of Stage Road, three miles from the town of Pescadero. The terrain is best described as rolling hills with elevation of 600 feet above sea level at the northern boundary and 300 feet above sea level at the southern boundary.

Near the top of a hill, without trees or windbreaks, the land is exposed to the prevailing wind from the northwest and to the storms from the south. It is frequently windy there when the wind is calm just three miles away in the town of Pescadero. During a storm, wind gusts can reach a speed of 70 miles per hour or higher.

There is no development of any kind on the parcel, except for the ruins of a dog kennel at the northeastern corner of the property in the early 1980s. The construction of the kennel was stopped by a stop-work order issued by the County. All that is left is a concrete pad.

**Potential Agricultural Use**

The topsoil is at most 6 inches deep, with chalk, clay, and shale underneath. In many parts, broken shale is visible at the surface. The soil retains little moisture. Drainage is excellent.

Existing water sources include a well, a small spring box, and a very small seasonal drainage channel on the eastern boundary. The water available is not adequate to support agricultural uses that require irrigation.

Potential use of the land includes dry farming and animal grazing.

**Current Use: Dry Farming**

For more than 20 years, the land has been dry-farmed for hay.

Approximately 35 acres are currently planted with oats. The area being farmed is indicated in Figure 1. The remaining area is too steep (with grade of 20% or higher) for this purpose.

The soil and the climate are apparently suitable for hay farming. In the summer, just before harvest, the hay is waist high. Typical yield is between 1200 to 1500 bales of hay each year.

A neighbor has been doing the farm work. In the fall, he discs the soil and plants the seeds. In the summer, he harvests the hay and takes away the bales. He uses the majority of the hay to feed his cattle in the winter and sells the rest.

The oats is not irrigated. There is no work between planting and harvest. No fertilizer or pesticide is used.

**Possible Use: Animal Grazing**

The area being used for hay farming can be used for animal grazing. I estimate that the land can support 10 heads of cattle.

Switching from dry farming to animal grazing will require substantial investment in building and equipment. These include a barn, animal shelters, extensive fencing, and additional sources of water.

A worker will have to spend two hours each day to look after the welfare of the herd.

No fertilizer or pesticide is needed.

**Substantial Criteria for Issuance of a Planned Agricultural Permit**

I am applying to build a single-family residence. This is a permitted use under Section 6353 of the County Zoning Regulations for "Land Suitable for Agriculture and Other Lands."

The three-bedroom house occupies 2595 square feet. A 3-car garage of 960 square feet is situated 30 feet away. (I plan to use one of the stalls in the garage for the tractor.) The close clustering of the house and the garage, plus the use of a T-shaped turn-around (instead of an 80-foot turn-around circle), are designed to minimize the footprint of development.

The first half of the 940-foot driveway is over an existing dirt road.

All told, the buildings and the driveway will reduce the farmed area by 15,000 square feet, or approximately one-third of an acre.

A 1000 square-foot deck and the driveway on two sides of the house provide a buffer separating the single-family residence from the farm area.

The productivity of the adjacent agricultural land will not be affected. I foresee no change in air and water quality.

The existing well will provide water for the residence, both for domestic use and for fire fighting. This well is not being used for any purpose; thus the use of the well water for the residence will have no effect on agriculture.

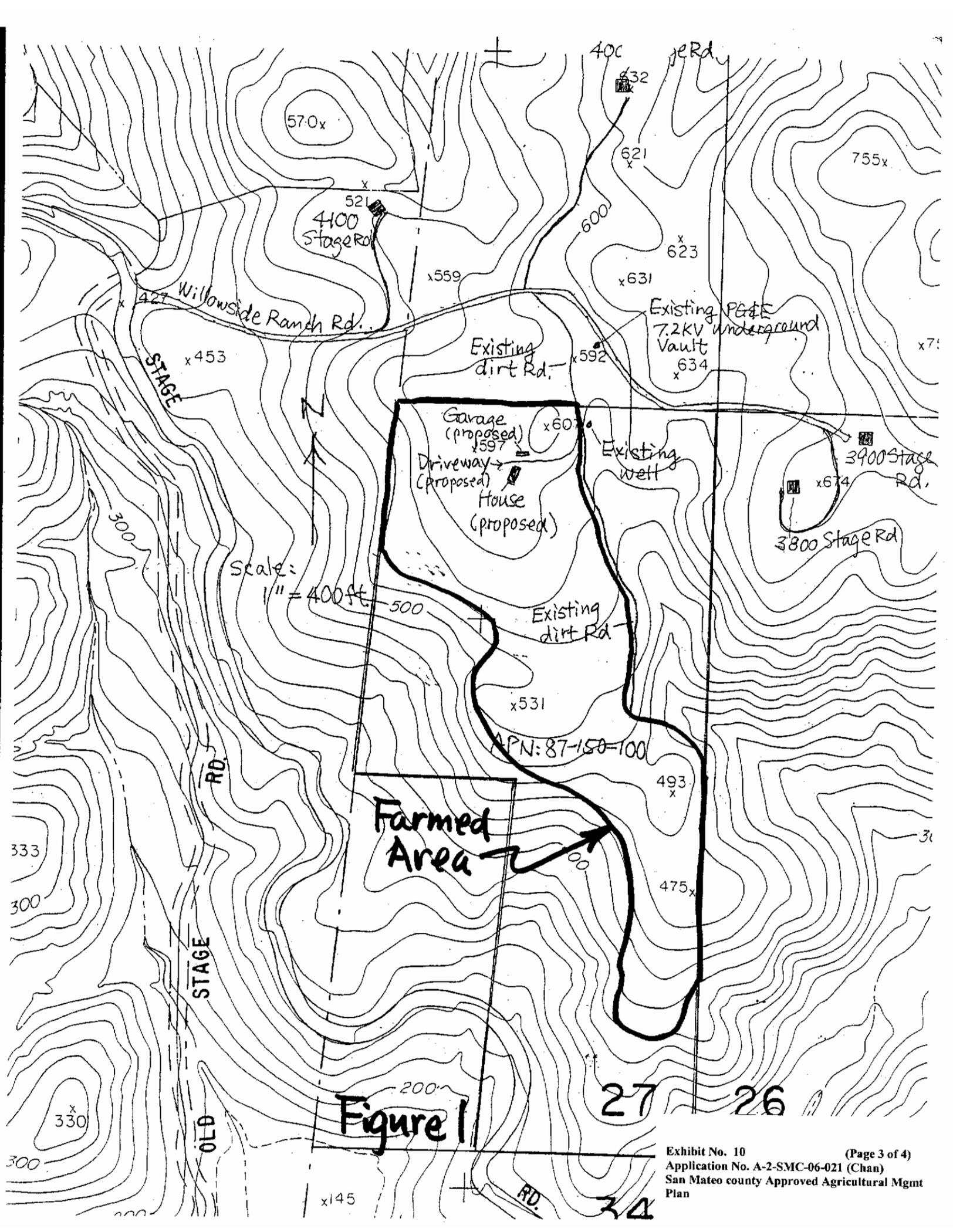


Figure 1

## Addendum to Agricultural Management Plan Revision 1. February 2006

Applicant: Sherman Chan Parcel: APN 087-150-100  
Planning application Case No: PLN2005-00381

### Substantive Criteria for Issuance of a Planned Agricultural Permit Water Supply Criteria

The planning application for the single-family residence *incorrectly* characterized the use of the existing well as "conversion from agricultural well." I will substantiate this claim in the following with information I gleaned from County records.

A previous owner named Bruce Birdwell dug the well in the late 1970s without any permit. By 1980, he was operating a dog kennel on the property. He and his family were living in a trailer near the dog kennel. I deduce that he was using the well water for domestic use and for the dogs.

By 1980, Mr. Birdwell's enterprise was discovered by the County. He was asked to apply for a permit and to test the well. I have attached a copy of the drilling permit he received from the County. The permit clearly stated at the fourth line that it was a "permit to construct or install **Drilled Domestic Well**.. [emphasis is mine]" I have also attached the Driller's Report.

Mr. Birdwell sold the property soon after the date of the report (March 1980). The well was never certified. The person who bought the property from Birdwell, Mr. Roger Buckout, told me that the well has not been used for any purpose since that time. I bought the land from Mr. Buckout in 2005.

I believe the correct characterization of the well in my application should be "certification of a previously drilled, but uncertified domestic well." I hope this will clear up the confusion.

**RECEIVED**

FEB 21 2006

**San Mateo County  
Planning Division**

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-1219  
VOICE AND TDD (415) 904-5260  
FAX (415) 904-5400



February 8, 2006

Matthew Seubert  
Planning and Building Division  
455 County Center  
Redwood City, CA 94063

Subject: ***Proposed Single Family Residence for Sherman Chan (PLN2005-00381)***

Dear Matthew,

Thank you for the opportunity to comment on the above-referenced coastal development permit application. The proposed development involves a new single family residence and conversion of an agricultural well to a domestic well, on PAD lands in Pescadero. This project is appealable to the Commission because the proposed single family residence and well conversion are not principally permitted uses in the PAD zone.

As we discussed over the phone, the Commission carefully scrutinizes proposals to convert agricultural lands to non-agricultural uses, including single family residences, and has heard two such projects on appeal (Polocek PLN 2002-00199, A-2-SMC-04-002; and Waddell PLN2002-00375, A-2-SMC-04-009); and is about to hear a third (Paipung Monastery Project PLN2002-00683; A-2-SMC-05-013). The San Mateo County LCP has strong coastal agricultural protection policies, necessitating thorough analyses and detailed findings for any proposed non-agricultural development on PAD lands prior to approval of such projects, and if approved, special conditions designed to ensure that land use conflicts are minimized and that these lands are kept in agricultural production, such as requiring the dedication of an agricultural easement with "affirmative provisions" (we have examples of such easements, if needed) and recordation of a right to farm deed restriction.

In order to adequately evaluate these issues, an evaluation of whether or not any prime soils exist on the parcel in the vicinity of the proposed residence should be conducted, based on the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification. Further, LCP Policies 5.8 and 5.10 regulate the conversion of agricultural lands. The County should assess whether or not the proposed development is consistent with these policies regarding alternative siting, buffers between agricultural and non-agricultural uses, and maintenance of the productivity of any adjacent agricultural lands. An analysis of the development for consistency with the LCP should evaluate whether or not the proposed residence could impact any ongoing agricultural activities. Further, Section 6355 of the certified Zoning Regulations specifies the substantive criteria that shall be met for issuance of a Planned Agricultural Permit for. These include, but are not limited to, that adequate and sufficient water supplies needed for agricultural production and sensitive habitat are not diminished, that no alternative site exists on the parcel for such use, and that the productivity of adjacent agricultural land will not be diminished.

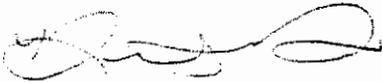
Because of the level of detail required to make such findings of consistency with all relevant sections of the LCP and Zoning Regulations, it is important that the County work with the applicant for submittals of detailed information, studies, and analyses prior to filing the

Matthew Seubert  
Sherman Chan (PLN 2001-00381)  
February 8, 2006  
Page 2

application as complete. This should include an "agricultural land management plan," an economic agricultural conversion analysis that evaluates existing and potential agricultural activities on the site, an alternatives analysis identifying alternative sites on the parcel for the development that minimize encroachment onto agricultural lands, and a water supply analysis.

If you have any questions, please don't hesitate to contact me.

Sincerely,



Ruby Pap  
Coastal Planner  
North Central Coast District

Cc: Sherman Chan, Applicant  
Lisa Grote, Community Development Director