

**CALIFORNIA COASTAL COMMISSION**

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# Th12a



**Prepared December 11, 2012 (for December 13, 2012 hearing)**

**To:** Coastal Commissioners and Interested Persons

See the original staff report.

**From:** Dan Carl, Deputy Director  
Madeline Cavalieri, District Manager  
Nicholas Dreher, Coastal Planner

See additional correspondence received.

**Subject: STAFF REPORT ADDENDUM for Item Th12a  
Coastal Development Permit Appeal no. A-2-SMC-11-032 (Cattermole, San  
Gregorio, San Mateo County)**


The purpose of this staff report addendum is to add additional emails that were previously unintentionally omitted from the Applicant Correspondence Exhibit to the report (**Exhibit 6**). The addendum does not alter the conclusions of the report.

1. **Insert the attached five (5) pages of email correspondence to the end of Exhibit 6 of the November 29, 2012 Staff Report.**

**From:** [Mary Cattermole](#)  
**To:** [Dreher\\_Nicholas@Coastal](mailto:Dreher_Nicholas@Coastal)  
**Subject:** found email  
**Date:** Wednesday, December 05, 2012 5:04:48 PM

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**Dreher, Nicholas@Coastal** <[Nicholas.Dreher@coastal.ca.gov](mailto:Nicholas.Dreher@coastal.ca.gov)>  
to me, George

May 22   

Good Afternoon George and Mary,

The issues you have raised are exactly the issues that we are working to evaluate and we will demonstrate our objective analysis of those issues in our staff report. The San Mateo County certified LCP provides the legal framework for this analysis and Coastal Commission staff must rely upon the exact wording of the certified policies as they are the legal standard in this appeal. Moreover, as planners, we are doing our best to analyze this project within the context of San Gregorio as it exists within the framework of San Mateo County's certified LCP.

I expect we will be discussing your below concerns and other aspects of your property further during our upcoming meeting. Please hold off on sending additional concerns or analysis of the project, so we can discuss it all together in person.

Thank you,

Nicholas B. Dreher

Coastal Program Analyst

California Coastal Commission

[\(415\) 904-5251](tel:(415)904-5251)

[nicholas.dreher@coastal.ca.gov](mailto:nicholas.dreher@coastal.ca.gov)

**From:** [Cavalieri, Madeline@Coastal](mailto:Cavalieri.Madeline@Coastal)  
**To:** [Dreher, Nicholas@Coastal](mailto:Dreher.Nicholas@Coastal)  
**Subject:** FW: Cattermole Project  
**Date:** Tuesday, December 11, 2012 12:18:52 PM

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]  
**Sent:** Wednesday, October 24, 2012 9:48 AM  
**To:** Cavalieri, Madeline@Coastal  
**Cc:** Dreher, Nicholas@Coastal; Carl, Dan@Coastal  
**Subject:** Cattermole Project

October 24, 2012

Dear Coastal Commision staff:

Section 3.1 of the Housing Component of the LCP provides:

1. Through both public and private efforts, protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside, work or can be expected to work in the Coastal Zone.

This section and those that follow in the Housing Component encourage the development of **moderate** income housing as well as low income housing.

Little moderate income housing has been built in the South Coast primarily because there are few, if any, small parcels or property which a moderate income family could afford. Most development has consisted of mega-mansions on ranches consisting of many acres.

Three of the parcels created by our proposed development will create *relatively* small parcels. These will be *relatively* affordable and, therefore, allow for the construction of *relatively* moderate income housing.

We would also like to point out that, other than cattle grazing, **all** agriculture taking place in the San Gregorio valley is located on property which has access to water from the San Gregorio Creek. Our property does not.

George Cattermole

**From:** [Mary Cattermole](#)  
**To:** [Dreher\\_Nicholas@Coastal](mailto:Dreher_Nicholas@Coastal)  
**Subject:** Re: Cattermole project  
**Date:** Tuesday, December 04, 2012 6:21:28 PM

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Dear Mr. Dreher:

I could not find the email either. I guess I was mistaken and that you never said you would address the issue of the violation of 5.2 by the Coastal Commission.

However, I request that you do so.

Mary Cattermole

On Tue, Dec 4, 2012 at 3:39 PM, Dreher, Nicholas@Coastal  
<[Nicholas.Dreher@coastal.ca.gov](mailto:Nicholas.Dreher@coastal.ca.gov)> wrote:

Hello,

We are happy to attach these emails to the report. Can you please forward a copy of the email I sent to you on May 22, 2012 (the one you reference in point 3 below)? We are having trouble locating it at the moment. Otherwise I will be sure to include this email exchange and work with Madeline to make sure the 10/24/12 email is attached as well.

Sincerely,

Nicholas Dreher

**From:** Mary Cattermole [mailto:[joeycatt@gmail.com](mailto:joeycatt@gmail.com)]

**Sent:** Sunday, December 02, 2012 6:40 PM

**To:** Dreher, Nicholas@Coastal

**Subject:** Re: Cattermole project

Dear Mr. Dreher:

I do not believe that this email was included in the staff report. A number of other emails were also omitted. Could you please issue a supplemental report which includes:

- 1) this email exchange
- 2) an email from George to Ms Cavalieri dated 10/24/12 (sent to her because you were out of town, you should have received a copy)
- 3) An email dated May 22, 2012 and your reply in which you assured me that you

would address the issue of the violation of LCP section 5.2 by the Coastal Commission. You did not do so.

Please reply to this email so that I have evidence that you received it.

Mary Cattermole

On Tue, Oct 30, 2012 at 1:15 PM, Dreher, Nicholas@Coastal  
<[Nicholas.Dreher@coastal.ca.gov](mailto:Nicholas.Dreher@coastal.ca.gov)> wrote:

Hello Ms. Cattermole,

Thank you for your email. I will make sure this is included in an exhibit to the future report.

Nick Dreher

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**From:** Mary Cattermole [mailto:[joeycatt@gmail.com](mailto:joeycatt@gmail.com)]  
**Sent:** Tuesday, October 30, 2012 9:56 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Cattermole project

#### **Section 30241 Prime agricultural land; maintenance in agricultural production**

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands **where the viability of existing agricultural use is already severely limited by conflicts with urban uses** or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

Dear Coastal Commission staff:

We are not "converting" agricultural land because the Local Coastal Program already provides us with the right to construct one residence on our agricultural land through the use of one density credit. Nevertheless, we believe that the Coastal Act section cited above provides further authority for construction of a residence on our property.

In the case of our property in San Gregorio, we see a conflict between agricultural land and urban uses. Our property is

cut off from its natural source of surface water for agricultural use, the San Gregorio Creek, by the following urban uses:

1. Highway 84 and
2. The creation of residential lots on the south side of Highway 84. These lots have access to water from San Gregorio Creek which could be used for agriculture. Instead, this water is used to maintain residential lawns.

The lack of water severely limits the viability of agricultural on our property.

We believe that the above section of the Coastal Act provides guidance for our property. The Coastal Act recognizes and approves the conversion of agricultural land to other uses in cases, like ours, where the viability of agricultural land is limited by conflicts with urban uses.

Mary Cattermole

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# Th12a

Appeal filed: 8/9/2011  
49th day: Waived  
Staff: N.Dreher-SF  
Staff report: 11/29/2012  
Hearing date: 12/13/2012

## STAFF REPORT: SUBSTANTIAL ISSUE & DE NOVO REVIEW

**Appeal Number:** A-2-SMC-11-032

**Applicant:** George and Mary Cattermole

**Appellants:** Shauna McKenna and David Rhodes

**Local decision:** Approved by the San Mateo County Board of Supervisors on April 26, 2011 (Coastal Development Permit (CDP) Application Number PLN2009-00112).

**Project Location:** 7625 Stage Road, San Gregorio, San Mateo County (APN: 081-013-090).

**Project Description:** Subdivision of a 12.4-acre parcel into four parcels and the development of two single-family dwellings and a four-car shared garage on one of the proposed parcels.

**Staff Recommendation:** Substantial Issue Exists; Denial

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## SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission find that the appeal raises a substantial issue of conformance with the County's Local Coastal Program (LCP) and that the Commission take jurisdiction over the CDP application for the project. Further, staff recommends that the Commission deny the CDP application because it cannot be found consistent with the LCP's provisions requiring the protection of agricultural land.

San Mateo County approved a CDP to subdivide a single 12.4-acre parcel into four lots, and to construct two new single-family residences and new shared four-car garage on one of the lots.

The project site is located approximately 1.5 miles inland from the shoreline in the rural San Gregorio area of the County. The site is located at the corner of two County-designated scenic roads, State Route 84 (or La Honda Road) and Stage Road, and is currently developed with the San Gregorio General Store, an existing residence, and an historic dairy barn. The parcel is split-zoned with roughly half designated by the LCP for agriculture, and half as a rural service center, for which the LCP prescribes rural commercial uses and development. The County's approval would subdivide the parcel along the boundary between the two different use areas, resulting in one 6.7-acre agricultural lot and three lots, ranging in size from 1.2 to 2.9 acres, on the rural service center/commercial side. The existing General Store and existing residence would be located on one of the commercial lots; the two new single-family residences and the new garage would be constructed on another of the commercial lots; the remaining commercial lot would be left vacant (for the time being); and the agricultural lot would retain the existing dairy barn.

The Appellants contend that the County's approval is inconsistent with the County's LCP with regard to agricultural protection, visual resources, land use requirements, lot legality, archaeological resources, and biological resources.

With regard to agricultural protection, the County-approved agricultural lot is almost entirely made up of prime agricultural land, with the remainder designated as suitable for agricultural development. The LCP protects such agricultural resources, including by strictly limiting division of prime and suitable agricultural land to avoid fragmentation and conversion of agricultural land. In addition, the LCP specifically prohibits the creation of new parcels whose only building site would be on prime agricultural land. In this case, the County-approved project would create a parcel where the only building site is on prime agricultural land. In addition, the County's approval converts the existing agricultural well on the agricultural property to a well designed to serve development on the commercial side of the overall property, and explicitly to serve residential, not agricultural, development on the agricultural property. Converting the well to non-agricultural uses reduces the amount of water that would be available for agricultural purposes on the agricultural side of the property. Therefore, the appeal contentions related to the LCP's agricultural protection policies raise a substantial issue of conformance with the LCP.

With regard to visual resources, the subject parcel is on the corner of two LCP-designated scenic roads, and the LCP protects this scenic corridor, which has a distinct rural and natural character. The LCP requires that new parcels have building sites that minimize visibility from these roads. As approved, the new lots created lead to building sites that are prominent in the viewshed, including providing for two new residences and a shared garage off of Stage Road that would be very visible. The County did not require adequate conditions to ensure that new development would be sited to avoid visual impacts on the scenic road, nor to be screened from view and designed to blend with the surrounding environment. Therefore, the appeal contentions related to the LCP's visual resource protection policies also raise a substantial issue of conformance with the LCP. Other appeal contentions also raise LCP conformance issues as well, including prominently the questions of lot legality.

With respect to the Commission's de novo review of the CDP application, the proposed project is inconsistent with the LCP because it would result in the creation of a rural, agricultural lot whose only building site would be on prime agricultural land, in direct conflict with LCP

requirements. It would also convert an agricultural well to commercial/residential use, without an understanding of the way in which such conversion reduces the viability of agriculture. Further, it would also create an agricultural parcel that is not restricted to agricultural uses only, as is required by the LCP for agricultural parcels that can permissibly be created by subdivision. Finally, it would also lead to parcels (and residential development) prominent in the protected view corridor.

There are alternative projects that could avoid these inconsistencies, including: (1) the no project alternative because the parcel is already developed with a commercial and residential use; (2) revised numbers and configurations of lots that adequately protect agricultural and visual resources; and (3) the construction of the proposed employee housing without further land division, consistent with the Applicants' stated goals and the commercial intent of the rural services center zoning. Consideration of these and other alternative projects would depend on additional data not currently in evidence regarding agricultural viability and the number and configuration of parcels that can be developed consistent with the agricultural, new development, and public view protection provisions of the certified LCP. Staff notes that other components of the project could likely be more readily brought into LCP conformance, such as the proposed residential development that could likely be approved with thoughtful siting and design absent a subdivision here.

Therefore, project denial does not preclude the Applicants from applying for a project that addresses site constraints and is supported by the information necessary to fully evaluate the project's conformity with the LCP. Thus, denial of this project is not a final adjudication of the potential for development on this site, but is instead a finding that the project proposed is inconsistent with the LCP and cannot be approved.

As a result, staff recommends that the Commission deny the CDP application. The motions and resolutions to act on this recommendation follow below on page 5.

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## **APPENDICES**

Appendix A – Substantive File Documents

## **EXHIBITS**

Exhibit 1 - Location Maps

Exhibit 2 - Project Area Photos

Exhibit 3 - San Mateo County CDP Approval

Exhibit 4 - Appeal of County CDP Decision

Exhibit 5 - Project Plans

Exhibit 6 - Applicants' Correspondence

## **I. MOTIONS AND RESOLUTIONS**

### **A. Substantial Issue Determination**

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in a 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.

***Motion:** I move that the Commission determine that Appeal Number A-2-SMC-11-032 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-2-SMC-11-032 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

### **B. CDP Determination**

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the CDP and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-2-SMC-11-032 pursuant to the staff recommendation. I recommend a no vote.*

***Resolution to Deny a CDP:** The Commission hereby denies Coastal Development Permit Number A-2-SMC-11-032 and adopts the findings set forth below on grounds that the development does not conform with the policies of the San Mateo County certified Local Coastal Program and/or with the public access policies of Chapter 3 of the Coastal Act.*

## **II. FINDINGS AND DECLARATIONS**

The Commission finds and declares as follows:

### **A. PROJECT LOCATION AND DESCRIPTION**

#### **Project Location**

The proposed project is located on a 12.4-acre parcel approximately 1.5 miles east/inland of Highway 1 at the intersection of State Route 84 (also known as La Honda Road) and Stage Road, south of Half Moon Bay and north of Pescadero, in the rural San Gregorio area of unincorporated San Mateo County (**Exhibit 1**). For the most part, the larger San Gregorio area is comprised of rural agricultural lands. The parcel lies in a valley that is located between Highway 1 to the west and Skyline Boulevard at the top of the coast range to the east, and is currently

developed with the San Gregorio General Store, an existing residence, and an historic dairy barn. Approximately half of the parcel is designated by the LCP for agriculture (and zoned PAD, or Planned Agricultural District), and half as a rural service center, for which the LCP prescribes rural commercial uses and development (zoned C-1). See **Exhibit 1** for location map, and **Exhibit 2** for project area photos.

### **Project Description**

The County-approved project is for the subdivision of the split-zoned, 12.4 acre parcel, along the boundary between the two different zoning districts, resulting in one 6.7-acre agricultural lot and three lots, ranging in size from 1.2 to 2.9 acres, on the rural service center/commercial side. The General Store and existing residence would be located on one of the commercial lots (Parcel 2); two single-family residences (1,800 square-foot and 2,352 square-foot, respectively) with a shared 1,056 square-foot detached four-car garage would be constructed on another of the commercial lots (Parcel 1); the remaining commercial lot would be left vacant (Parcel 4); and the agricultural lot would retain the existing dairy barn (Parcel 3). Approximately 630 cubic yards of grading would be required for the proposed structures and associated driveway. The proposed development would be served by two existing wells – one located on proposed Parcel 1 to serve proposed Parcels 1 and 2, and one an agricultural well on proposed Parcel 3 to serve proposed Parcels 3 and 4. See **Exhibit 5** for project plans.

## **B. SAN MATEO COUNTY CDP APPROVAL**

The San Mateo County Planning Commission approved a CDP for the proposed project on October 27, 2010. The Planning Commission's CDP approval was appealed to the County Board of Supervisors, and on April 26, 2011, the Board denied the appeal and approved the CDP. Notice of the County's CDP decision was received in the Coastal Commission's North Central Coast District Office on July 28, 2011 (see **Exhibit 3**). The Coastal Commission's ten-working day appeal period for this action began on July 29, 2011 and concluded at 5 pm on August 11, 2011. One valid appeal (see **Exhibit 4**) was received during the appeal period.

## **C. APPEAL PROCEDURES**

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

Commission. This project is appealable because it involves development that is not designated as the principal permitted use under the LCP.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus this additional finding would not need to be made if the Commission approves the project following a de novo hearing.

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. Any person may testify during the de novo CDP determination stage of an appeal.

#### **D. SUMMARY OF APPEAL CONTENTIONS**

The Appellants contend that the County-approved project raises issues with respect to the project’s conformance with LCP policies related to agricultural protection, visual resource protection, locating new development, biological resource protection, archaeological resource protection, and hydrology/drainage impacts. Specifically, the Appellants contend that the project: 1) adversely impacts agricultural land by dividing and converting prime agricultural land that is protected for agricultural uses, 2) divides the parcel unnecessarily and converts the commercial rural service center to private residential development, 3) adversely impacts the public viewshed, 4) poses adverse impacts to sensitive habitats and species, and 5) poses potential impacts to cultural resources. The Appellants make additional contentions, including with regard to lot legality, water availability, drainage and parking. Please see **Exhibit 4** for the complete appeal document.

#### **E. SUBSTANTIAL ISSUE DETERMINATION**

##### **Substantial Issue Background**

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, Section 13115(b).). In previous

decisions on appeals, the Commission has been guided by the following factors in making such determinations:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5

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

### **Agricultural Resources**

The LCP defines and designates prime agricultural land and land suitable for agriculture, including as a means to protect the land and ensure it is kept in agricultural production. The LCP also limits division and conversion of agricultural land, and provides incentives for merging and otherwise protecting agricultural parcels. In addition, Policy 5.7: 1) prohibits the division of parcels that consist entirely of prime agricultural land, 2) prohibits the division of prime agricultural land within a parcel unless agricultural productivity would not be reduced, and 3) prohibits the creation of new parcels whose only building site would be on prime agricultural land. The LCP specifically defines the division of prime agricultural land in IP Section 6351(i) as: "The creation of any new property line whether by subdivision or other means." Further, LCP Policy 1.8 specifies that new development in rural areas is only allowed if it does not diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

The Appellants make a series of contentions related to agricultural resource impacts, including the following. First, they contend that the proposed project would adversely impact the prime soils that are located in the rural service center portion of the site. However, as described further below, the majority of the LCP's agricultural protection policies do not explicitly apply within the rural service center portion of the parcel, and therefore, these contentions do not by themselves raise substantial LCP conformance issues.

With regard to conversion of agricultural land on the PAD portion of the subject property, the Appellants contend that the existing historic dairy barn has been converted to farm labor housing without CDP authorization. However, the County considered this alleged violation and imposed

a special condition of approval on the project requiring any residential component of the development to either be legalized through a subsequent CDP (to be obtained within 60 days of approval), or to be removed from the agricultural parcel. Therefore, the County's approval does not raise substantial issues relative to the historic dairy barn contentions inasmuch as it addresses the alleged violation to ensure that any conversion of agricultural land to residential uses that are inconsistent with the LCP is eliminated.<sup>1</sup>

The Appellants additionally contend that the County-approved subdivision creates a substandard PAD parcel and adversely impacts agricultural resources. The approved project results in the creation of a PAD lot that is almost entirely prime agricultural land, as designated by the LCP. Although there is some non-prime land mapped on the northern portion of the PAD parcel, any building site on the parcel would need to be located, at least in part, on prime agricultural land for the following reasons. First, the non-prime area of the parcel has relatively steep slopes, and therefore, may not be feasible for a building site consistent with the LCP. Second, the septic percolation tests that were performed for the County's review of the project analyzed the feasibility of a septic system that would be located on the prime agricultural land, and determined that such a septic system would be feasible on the prime land. Finally, even if there was a feasible site to place a primary building and any necessary utility development on non-prime land, the site is configured so that any driveway access would need to cross prime agricultural land, and therefore, at the very least a portion of the building site (driveway access) would be required to be located on prime agricultural land. As discussed above, Policy 5.7 prohibits the creation of new parcels whose only building site would be on prime agricultural land. Therefore, the approved project would be inconsistent with the certified LCP in this regard, and the appeal contentions related to the subdivision of agricultural land raise a substantial issue of conformance with the County's LCP.

In addition, the County's approval converts the existing agricultural well on the agricultural property to a well designed to serve residential development on the commercial side of the overall property, and explicitly to serve residential, not agricultural, development on the agricultural property. The existing agricultural well was constructed as an agricultural well, subject to a CDP exclusion because it was for agricultural purposes. Converting the well to non-agricultural uses reduces the amount of water that would be available for agricultural purposes on the agricultural side of the property. The County did not analyze the way in which such conversion would affect agricultural productivity on the PAD land. Thus, the County-approved project raises substantial LCP conformance issues with respect to protection of agricultural land and its viability for continued or renewed agricultural operations.

Finally, with regard to other contentions related to agricultural productivity on the resulting parcels, the approved project would result in new commercially-zoned parcels and new residential development adjacent to agricultural land designated for agriculture, and the LCP requires agricultural resources on the land designated for agriculture to be protected from

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<sup>1</sup> Although it is alleged that development has taken place prior to submission of this permit application, including alleged residential use of the dairy barn without CDP authorization, consideration of this appeal and CDP application by the Commission has been based solely upon the policies of the certified LCP and the relevant Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a CDP, or that all aspects of the violation have been fully resolved.

conflicts with other types of uses. The approval also tethers the agricultural property (proposed Parcel 3) to the commercial property (proposed Parcel 4) by converting and using the water from the agricultural well on Parcel 3 for commercial/residential uses and development on Parcel 4. The County did not require a right-to-farm restriction to be recorded over the commercially zoned parcels, did not account for the way in which the shared well use could adversely affect agricultural activities on the PAD parcel, and did not otherwise address potential compatibility impacts (through other restrictions, prescribed use and development setbacks from agricultural land, etc.). Therefore, the County-approved project fails to address these LCP requirements and the related appeal contentions raise a substantial issue of conformance with the LCP.

In conclusion, the appeal contentions raise a substantial issue of conformance with the agricultural protection policies of the LCP because the approved project would create a PAD lot where the only building site is on prime agricultural land, would convert an agricultural well to commercial/residential use without an understanding of the way in which such conversion reduces the viability of agriculture, and because the County did not require a right-to-farm restriction or any other restrictions to protect agricultural resources from incompatible use impacts associated with the newly created commercial parcels and the new residences. Therefore, the appeal contentions regarding protection of agricultural resources raise a substantial issue of conformance with the LCP.

### **Visual Resources**

The County's LCP includes strong protections for visual resources, including along scenic corridors. The subject parcel is on the corner of two County designated scenic roads: Highway 84 (or La Honda Road) and Stage Road, and all County-approved new parcels and buildings sites therein are visible from these roads. The LCP strongly protects scenic corridors in this area, which has a distinct rural and natural character. The Appellants contend that all of the structures within the approved subdivision (the two existing structures, the two new residences, and the new garage) are within the viewshed of the coastal scenic roads. The LCP requires that new parcels have building sites that minimize visibility from those roads and other public viewpoints. In this case, the County's approval would result in visually prominent building sites on the new parcels. This is exemplified by the proposed siting of the new residences and shared garage, which would accentuate, rather than minimize visual impacts within the Stage Road viewshed (see **Exhibits 1, 2 and 5**). Additionally, the LCP requires that new development be located on a portion of the parcel where the development is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, is consistent with all other LCP requirements, and best preserves the visual and open space qualities of the parcel overall. As approved, development would be clearly visible from County scenic roads, and the County did not impose adequate conditions to minimize the visual impacts of the development, such as requirements to modify siting to avoid locations prominent in the viewshed, to design the buildings to blend with the rural character of the area, and to screen new development from scenic roads, including through maintenance of the existing trees that line the property. Therefore, the County's approval raises a substantial issue of conformance with the LCP's visual resource protection policies.

### **Lot Legality**

The Appellants contend that the County-approved project results in a total of six new parcels: the Appellants' own parcel (APN 081-013-100), a small utility parcel owned by the Applicant (APN 081-013-080) and the four lots resulting from the subdivision of the existing 12.4-acre parcel (APN 081-013-090). The County's action did not directly involve the Appellants' property (APN 081-013-100), which was created as a result of a prior County CDP (CDP 90-20), so this appeal contention does not raise a substantial issue of the approved project with the certified LCP. In terms of the small (0.04-acre) utility lot, it was last conveyed on June 3, 1988 by deed, separate and apart from any other portion of property. According to the County, the smaller utility lot parcel was established through a public utility ordinance and is shown on a subdivision map that was recorded in 1991. However, it is not clear whether the creation of the parcel was authorized by a CDP, as required by the LCP. The utility lot is currently improved with at least a portion of a shed, and is not proposed for development individually. The small structure on this lot was a telephone utility facility at one time, and no longer serves that purpose. In its approval of the project, the County required the Applicant to merge the utility lot with proposed Parcel 1. However, it is not clear if the utility lot was legally created with the necessary CDP, or whether it is still legally a part of the subject 12.4-acre parcel. Therefore, the Appellants' contention regarding lot legality raises a substantial issue of conformance with the LCP because the legal lot configuration of the parcel to be subdivided is not clear.<sup>2</sup>

### **Rural Service Center Development**

The subject property is partially within the San Gregorio rural service center, which currently contains the San Gregorio General Store (owned and operated by the Applicants) that serves the surrounding community, and the Applicants' primary residence. Per the LCP, the rural service center's purpose is to provide services to the surrounding community through a combination of land uses, and is envisioned to house mixed uses and a rural commercial center for the surrounding community. Rural service centers are typically close to agricultural land, as is the case here, and the LCP limits development in rural service centers to infilling that provides commercial facilities which support agriculture and recreation and meets housing needs which are generated by local employment. Additionally, new development in these areas must be concentrated through infilling existing residential subdivisions and commercial areas, and by discouraging urban sprawl, to protect and enhance the natural environment and revitalize existing developed areas. Taken together, LCP Policies 1.10, 1.12, 1.16, 1.17, 1.18 and 1.19 direct new development to rural service centers to revitalize existing services, to concentrate and cluster allowable commercial facilities where they won't adversely impact surrounding rural and agricultural lands, provide support for nearby agricultural production, and provide housing for local employment.

The Appellants allege that the project would convert commercial land to residential use, inconsistent with the LCP. The County approved two new single-family residences with a shared garage on one of the new lots within the rural service center (proposed Parcel 1). The existing rural service center portion of the property already contains a general store and a single-family residence. The Applicants live in the residence and own and operate the general store. According to the Applicants, the approved residences are intended to provide additional housing for their family members to assist in running the general store, and therefore, the approved residences are

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<sup>2</sup> Id (Commission consideration and action not a waiver of further action, nor implied consent regarding legality, nor statement that alleged violation resolved).

consistent with the allowed uses in the rural service center. Further, the zoning district (C-1/S-7) allows for a relatively high density of development and the two residences are within the maximum intensity allowed. In summary, the County-approved project includes residences that are relatively small and meant for family to help operate the store, and their use is consistent with the LUP and the zoning designations for C-1 commercial zoning. Accordingly, the approved residential development on the commercial property does not raise a substantial issue of conformance with the certified LCP's land use designations.

### **Archaeology**

LCP Policy 1.24 requires the County to determine whether or not sites proposed for new development are located within areas containing potential archaeological/paleontological resources. Where the property in question is within such an area, and prior to approval of development proposed in sensitive areas, the LCP requires that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist/paleontologist be submitted for review and approval, and implemented as part of the project. In this case, the Appellants contend that the County did not require an adequate archaeological analysis prior to approving the project. The Appellants state that this is an area noted for habitation by pre-Europeans and that there is physical evidence of archaeological resources within 300 feet of proposed Parcel 3. The County reviewed the proposed development and did not identify any evidence of archaeological features within the project vicinity. The County consulted the California Historical Resources Information System and found no record of any previous cultural resource study performed onsite. The County used this information to determine that there is a low potential for impacts to archeological or other cultural resources. Nonetheless, to ensure consistency with the LCP, the County imposed a condition of approval to protect any resources that may be uncovered on site. County Condition 16 requires the following:

*Should cultural resources be encountered during site work, all work shall immediately be halted in the area of discovery and the applicant shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the applicant. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).*

Therefore, the County's condition requires the Applicants to discontinue work in the event cultural resources are uncovered during the work on site, and to take steps to protect such resources, as required by the LCP. Therefore, with regard to archaeological resources, the appeal contentions do not raise a substantial issue of conformance related to archaeological resource protection.

### **Biological Resources**

The County's LCP includes strong protections for biological resources, including sensitive species and riparian corridors. The LCP protects certain species and environmentally sensitive

habitat areas (ESHAs) by imposing buffers, restricting development to certain uses, and requiring monitoring to prevent long-term impacts caused by encroachment of development. The Appellants contend that the Applicants' property contains sensitive habitat, such as breeding ponds for California Red-Legged Frog (CRLF), and further contend that the County should have required additional environmental studies for CRLF and San Francisco Garter Snake. The County conducted an environmental review for the proposed project, including conducting a site visit and consulting the California Natural Diversity Database and the San Mateo County Rare and Endangered Species and Sensitive Habitat Maps, and determined that there is no evidence of any endangered species, sensitive habitats, or special status plant species at the project site. In addition, although there is an existing stream on the southwest corner of the property, no development is proposed in the vicinity of the stream or potentially required stream or ESHA buffers. In fact, the approved residences would be approximately 1,000 feet away from the stream. Therefore, this appeal contention does not raise a substantial issue of conformance with the LCP.

### **Water and Sewer Availability**

The Appellants contend that the County did not adequately investigate the availability of water to serve the subdivision and proposed residences, or the capacity for septic systems. The LCP requires an adequate water supply to serve development, primarily through its agricultural policies and urban development policies. The subject property relies upon two existing wells and septic systems. In its review of the project, the County considered septic feasibility studies that demonstrated adequate septic capacity to serve future development on all resulting lots, even though residential development is only currently proposed on Parcel 1.

In terms of the existing well that is currently used for the existing residence (and that is located on proposed Parcel 1), well tests indicate that there is sufficient capacity to serve the existing residential and commercial development on proposed Parcel 2 as well as the new residential development that would be developed on proposed Parcel 1. Well tests also indicate that the existing agricultural well on proposed Parcel 3 has adequate capacity to serve residential development on both proposed Parcel 3 (the PAD property) and proposed Parcel 4 (the new parcel on the rural service center/C-1 side of the property that would not be developed until a future date). As indicated above, though, the County did not evaluate the way in which such well conversion would affect agricultural productivity on the PAD land. So, although it may be true that the existing agricultural well could provide adequate water to serve residential development on proposed Parcels 3 and 4, it is unclear whether there is adequate water to do that and to accommodate agricultural needs on the PAD parcel. Thus, it is not clear that there is adequate water available to serve the approved development, including with respect to both agricultural viability and the residential/commercial development that would be facilitated by the subdivision on Parcel 4.

Therefore, the appeal contentions regarding septic do not raise a substantial LCP conformance issue, but the appeal contentions regarding water supply raise substantial LCP conformance issues.

### **Other Issues**

The Appellants raise a number of other issues related to the County's approval, including related to parking. The parking needed for the general store in proposed Parcel 2 would not be impacted by the approved project and there is no indication that additional parking spaces are needed to serve the general store. These topics do not raise inconsistencies and thus, they do not raise a substantial issue.

### **Substantial Issue Determination Conclusion**

In conclusion, the County-approved project raises substantial issues with respect to its conformance with LCP policies related to protection and enhancement of agricultural land and visual resources, as well as with respect to water availability and lot legality. Therefore, the Commission finds that a substantial issue exists with respect to the approved project's conformance with the certified San Mateo County LCP, and takes jurisdiction over the CDP application for the proposed project.

## **F. COASTAL DEVELOPMENT PERMIT DETERMINATION**

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

### **1. Agriculture**

The San Mateo County LCP's Agriculture Component contains numerous policies directed at preserving and enhancing agricultural productivity in rural areas within the San Mateo County coastal zone. First, the County's LCP establishes rural areas, rural service centers, and urban areas, and encourages allowable development to be concentrated in rural service centers and urban areas, while discouraging development in rural areas, primarily to achieve the LCP's agricultural protection objectives. For example, LCP Policy 1.8 (Land Uses and Development Densities in Rural Areas) states, in part:

- a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production. ...*

The LCP contains policies that define and designate prime agricultural land and other land suitable for agriculture, including as a means to help identify the types of protections that accrue to each. LCP Policy 5.1 defines prime agricultural land, which includes the Class II soils that extend over a portion of the subject site. It states, in part:

*Define prime agricultural lands as: (a) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts. ...*

Policy 5.3 defines other (non-prime) land that is suitable for agriculture. It states:

*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.*

Policies 5.2 and 5.4 designate certain land for agriculture, but specifically exclude land in the rural service center from being designated as such. They state:

***LCP Policy 5.2 (Designation of Prime Agricultural Lands).*** *Designate any parcel which contains prime agricultural lands as Agriculture on the Local Coastal Program Land Use Plan Map, subject to the following exceptions: State Park lands existing as of the date of Local Coastal Program certification, urban areas, rural service centers, and solid waste disposal sites necessary for the health, safety, and welfare of the County.*

***LCP Policy 5.4 (Designation of Lands Suitable for Agriculture).*** *Designate any parcel, which contains other lands suitable for agriculture, as Agriculture on the Local Coastal Program Land Use Plan Maps, subject to the following exceptions: urban areas, rural service centers, State Park lands existing as of the date of Land Use Plan certification, and solid waste disposal sites necessary for the health, safety and welfare of the County.*

The LCP also specifies the permitted and conditional uses allowed within each type of agricultural land, and limits the conversion of land from permitted uses to conditional or other uses. LCP Policy 5.5 (Permitted Uses on Prime Agricultural Lands Designated as Agriculture) states:

*a. Permit agricultural and agriculturally related development on prime agricultural lands. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) nonresidential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, stables for farm animals, fences, water wells, well covers, pump houses, and 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) soil-dependent greenhouses and nurseries; and (4) repairs, alterations, and additions to existing single-family residences.*

*b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) public recreation and shoreline access trails, (4) non-soil-dependent greenhouses and nurseries, (5) onshore oil and gas exploration, production, and minimum necessary related storage, (6) uses ancillary to agriculture, (7) permanent roadstands for the sale of produce, provided the amount of prime agricultural land converted does not exceed one-quarter (1/4) acre, (8) facilities for the processing, storing, packaging and shipping of agricultural products, and (9) commercial wood lots and temporary storage of logs.*

LCP Policy 5.6 (Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture) states:

*a. Permit agricultural and agriculturally related development on land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of*

*livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purpose, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) dairies; (4) greenhouses and nurseries; and (5) repairs, alterations, and additions to existing single family residences.*

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

LCP Policy 5.8 (Conversion of Prime Agricultural Land Designated as Agriculture) states:

*a. Prohibit conversion of prime agricultural land within a parcel to a conditionally permitted use unless it can be demonstrated: (1) That no alternative site exists for the use, (2) Clearly defined buffer areas are provided between agricultural and non-agricultural uses, (3) The productivity of any adjacent agricultural land will not be diminished, and (4) Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality. ...*

LCP Policy 5.10 (Conversion of Land Suitable for Agriculture Designated as Agriculture) states:

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

*b. For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions (3), (4) and (5) in subsection a. are satisfied.*

In addition, the LCP strictly limits the division of both prime agricultural land and land suitable for agriculture, including by limiting the maximum density of lots resulting from new subdivisions, and by requiring the protection of agricultural productivity in the resulting lot

configuration. The division of agricultural land is specifically defined in the LCP's zoning regulations, as follows:

*6351(i). Land Division. The creation of any new property line whether by subdivision or other means.*

LCP Policies 5.7 and 5.9 limit divisions of agricultural lands. LCP Policy 5.7 (Division of Prime Agricultural Land Designated as Agriculture) states:

- a. Prohibit the division of parcels consisting entirely of prime agricultural land.*
- b. Prohibit the division of prime agricultural land within a parcel, unless it can be demonstrated that existing or potential agricultural productivity would not be reduced.*
- c. Prohibit the creation of new parcels whose only building site would be on prime agricultural land.*

LCP Policy 5.9 (Division of Land Suitable for Agriculture Designated as Agriculture) states:

*Prohibit the division of lands suitable for agriculture unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be reduced.*

LCP Policy 5.14 requires a Master Land Division Plan to be filed prior to any new subdivision in agricultural areas. It states:

- a. In rural areas designated as Agriculture on the Local Coastal Program Land Use Plan Maps on March 25, 1986, require the filing of a Master Land Division Plan before the division of any parcel. The plan must demonstrate: (1) how the parcel will be ultimately divided, in accordance with permitted maximum density of development, and (2) which parcels will be used for agricultural and non-agricultural uses, if conversions to those uses are permitted. Division may occur in phases. All phased divisions must conform to the Master Land Division Plan.*
- b. Exempt land divisions which solely provide affordable housing, as defined in Policy 3.7 on March 25, 1986, from the requirements in a.*
- c. Limit the number of parcels created by a division to the number of density credits to which the parcel divided is entitled, prior to division, under Table 1.3 and Policy 5.11d. and e., except as authorized by Policy 3.27 on March 25, 1986.*

LCP Policy 5.11 establishes the permitted maximum density of development and total number of density credits for agricultural parcels, as described in LCP Policy 5.14. It states, in part:

- a. Limit non-agricultural development densities to those permitted in rural areas of the Coastal Zone under the Locating and Planning New Development Component.*

*b. Further, limit non-agricultural development densities to that amount which can be accommodated without adversely affecting the viability of agriculture.*

*c. In any event, allow the use of one density credit on each legal parcel. ...*

LCP Policy 5.12 establishes the minimum parcel sizes for agricultural parcels. It states:

*Determine minimum parcel sizes on a case-by-case basis to ensure maximum existing or potential agricultural productivity.*

LCP Policy 5.13 establishes the minimum parcel sizes for non-agricultural parcels that can in some cases result from the division of agricultural land. It states:

*a. Determine minimum parcel size on a case-by-case basis to ensure that domestic well water and on-site sewage disposal requirements are met.*

*b. Make all non-agricultural parcels as small as practicable (residential parcels may not exceed 5 acres) and cluster them in one or as few clusters as possible.*

LCP Policy 5.15 further protects the agricultural productivity of lands designated for agricultural by reducing land use conflicts in cases where non-agricultural development is proposed adjacent to agricultural lands. It states, in part:

*a. When a parcel on or adjacent to prime agricultural land or other land suitable for agriculture is subdivided for non-agricultural uses, require that the following statement be included, as a condition of approval, on all parcel and final maps and in each parcel deed: "This subdivision is adjacent to property utilized for agricultural purposes. Residents of the subdivision may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers, and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise, and odor. San Mateo County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations."*

*b. Require the clustering of all non-agricultural development in locations most protective of existing or potential agricultural uses.*

*c. Require that clearly defined buffer areas be provided between agricultural and non-agricultural uses. ...*

Finally, LCP Policy 5.16 requires an easement to be granted to the County to protect agricultural areas that are established through a Master Land Division Plan. It states:

*As a condition of approval of a Master Land Division Plan, require the applicant to grant to the County (and the County to accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture, and farm*

*labor housing. The easement shall specify that, anytime after three (3) years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to Open Space. Uses consistent with the definition of open space shall mean those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site's natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to natural landforms.*

### ***Analysis***

The subject property contains 6.7 acres of designated agricultural land. The LCP defines and designates prime agricultural land and land suitable for agriculture, in order to protect the land and ensure it is kept in agricultural production. The LCP also limits division and conversion of agricultural land, and provides incentives for merging and otherwise protecting agricultural parcels. The LCP does not have a minimum parcel size for agricultural land, but instead determines minimum size on a case-by-case basis to ensure maximum existing or potential agricultural productivity. Further, the non-agricultural development densities, including the density permissible in the rural service center, are limited to that which can be accommodated without adversely affecting the viability of agriculture.

### ***Designation of Agricultural Lands***

LCP Policy 5.1 defines prime agricultural land, which includes all land that qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification. LCP Policy 5.2 designates prime agricultural lands and expressly excludes rural service centers from the types of land that can be designated as prime agriculture. LCP Policy 5.3 defines non-prime agricultural land that is suitable for agriculture as lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting, and LCP Policy 5.4 designates other lands suitable for agriculture and expressly excludes rural service centers from types of land that can be designated as agriculture. Although the definition of non-prime agricultural land is tied to the feasibility of using it for agricultural purposes, the criteria established to meet the definition of prime agricultural land includes criteria that solely rely on identification of the underlying soil types. Accordingly, some prime agricultural land (including land with Class I and Class II soils) is defined as such, regardless of the agricultural viability of the land.

The majority of the subject property is comprised of DWA Dublin clay, nearly level, imperfectly drained soil, which is Class II and therefore categorically defined by the LCP as prime agricultural land (see location of prime soils in **Exhibit 1**). Pursuant to LCP Policy 5.2, the prime soils that are located in the rural area of the parcel (i.e., the 6.7-acre PAD-zoned part of the existing 12.4-acre parcel) are designated by the LCP as prime agricultural land and the prime soils that are located in the rural service center are not designated as prime agricultural land

because they are inside the rural service center area. The remainder of the PAD property, which includes slopes along the northern border of the property, is not classified as prime land under the LCP's definition. However, in the past, the property, as a whole, has been used for dry farming and animal grazing. Further, the County has designated the property for agriculture by applying the PAD zoning district. Thus, the remaining non-prime land in the PAD area constitutes land suitable for agriculture under the LCP.

The agricultural resources on the PAD portion of the property are protected through the LCP policies that specifically protect land designated as agriculture (e.g., Policies 5.1 through 5.10) as well as policies applicable to all new development whether or not proposed on lands designated for agriculture (e.g., Policies 1.8 and 5.11.) In contrast, because agricultural land in the rural service center is not designated for agriculture, those agricultural resources that exist in the rural service center are only protected through policies applicable to all new development without regard to whether or not the land is specifically designated for agriculture (such as New Development Policy 1.8 and Policy 5.11, a policy protecting agriculture by regulating the density of non-agricultural development).

***Allowed Uses on Agricultural Lands Designated as Agriculture***

LCP Policies 5.8 and 5.10 limit conversion of agricultural land designated as agriculture by prohibiting conditional uses of the land (such as residential and other ancillary or non-agricultural uses) except where no other alternative sites exist, and, in the case of non-prime lands, where continued or renewed agricultural use of the soils is not feasible. The proposed project does not propose any uses on the PAD agricultural land, except to retain the existing historic dairy barn. Although the barn has allegedly been used in the past for residential purposes, the Applicant is now proposing to restore it to its previous use as an agricultural barn. As previously discussed, the County-approved project required the Applicant to apply for a CDP to either retain the use of the existing barn for farm labor housing or restore it to agricultural uses. Since the time of the appeal, the Applicant has modified the project description to include a proposal to restore the barn to agricultural uses and retain it in its existing location. Therefore, no new uses are proposed on the PAD agricultural land at this time.

***Subdivision of Agricultural Lands Designated as Agriculture***

The LCP strictly limits the division of prime and non-prime lands designated for agriculture. IP Section 6351(i) defines the division of agricultural land as the creation of any new lot line, whether by subdivision or other means. Policy 5.7 prohibits the division of parcels that consist entirely of prime agricultural land, it prohibits the division of prime agricultural land within a parcel unless agricultural productivity would not be reduced, and it prohibits the creation of new parcels whose only building site would be on prime agricultural land. In addition, Policy 5.9 prohibits the division of other lands suitable for agriculture that are designated for agriculture, unless agricultural productivity of any resulting parcels determined to be feasible for agriculture would not be reduced.

In addition, LCP Policy 5.14 requires the filing of a Master Land Division Plan before the division of any parcel in rural areas designated as Agriculture on the LCP's LUP Maps as of March 25, 1986. The Master Land Division plan must demonstrate: (1) how the parcel will be ultimately divided, in accordance with permitted maximum density of development, and (2)

which parcels will be used for agricultural and non-agricultural uses, if conversions to those uses are permitted. Policy 5.14 also limits the number of parcels created by a division to the number of density credits (i.e., units of residential development) to which the parcel being divided is entitled, prior to its division. Therefore, on land designated for agriculture, the number of parcels created by a subdivision must be equal to the number of density credits that existed for the parcel prior to subdivision. The number of density credits, and thus the permitted maximum density of development, is established in Policy 5.11 and LCP Table 1.3. Table 1.3 indicates the number of density credits that land in the rural areas is entitled to. For example, on prime agricultural land, parcels are entitled to one density credit per 160 acres, on lands with a slope of more than 30% but less than 50%, parcels are entitled to one density credit per 80 acres, and for lands within the 100-year floodplain, parcels are entitled to one density credit per 60 acres. For all lands in the rural areas of the County that are not called out in specific categories in Table 1.3, parcels are entitled to one density credit per 40 acres. Policy 5.11 also indicates that each legal parcel is entitled to at least one density credit, regardless of its size or constraints. In this case, the existing parcel is thus entitled to one density credit, due to its size.

As previously described, the project site is unique in that the existing parcel is bisected by the rural area boundary, containing both a designated agricultural PAD-zoned rural area, and a designated rural service center C-1 zoned area for commercial uses. Even though there are prime soils and agricultural lands on both sides of the line, only the PAD portion of the property is subject to the LCP agricultural protection policies that apply only to land designated for agriculture. However, even within this context, the parcel does contain agricultural resources on the PAD portion that are strongly protected by the LCP. The majority of the PAD land contains prime agricultural soils, and even though it is only 6.7 acres (i.e., when nearby agricultural parcels are generally larger, ranging from 30 acres to over a couple of hundred acres) small farms and small leased lots are increasingly important given demands for locally grown food in nearby urban areas, and the ability of even very small properties to be used for such purposes.

In fact, the subject 6.7-acre PAD land can accommodate some amount of viable agricultural production, based upon site characteristics and historical use. According to the 2010 San Gregorio Watershed Management Plan,<sup>3</sup> farms along Highway 84 have historically contained orchards, grazing operations for beef and dairy cows and dry farming. In some cases, crops such as cauliflower, Brussels sprouts, artichokes and seed potatoes were commercially grown in the area. Currently, most farming in the area consists of various crops (including apples, cauliflower, Brussels sprouts, wine grapes, and artichokes), dry hay farming and grazing/rangeland.

The project site was subject to a Williamson Act land contract, preserving it for agricultural uses, beginning in 1967. In 1986, however, the Williamson Act contract was amended to exclude the commercially zoned portion of the lot, because under the law, land in a Williamson Act contract must be preserved for agricultural or other open space uses. The Applicants have indicated that they farmed the land in the past on a very small scale, including for dry crops and cattle grazing, but that they now believe the site is not viable for agricultural production. Although the site contains an existing agricultural well, the Applicant has argued that the well is not an adequate water source to properly farm the land, and that the water produced by the well is too saline for

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<sup>3</sup> San Gregorio Watershed Management Plan, prepared by Stillwater Sciences, Stockholm Environment Institute and San Gregorio Environmental Resource Center, dated June 2010 (pp. 16-17).

irrigating crops (notwithstanding the Applicants' and the County's reliance on said well in the County's approval to serve two residential developments on proposed Parcels 3 and 4).

The Commission Staff contacted Farm Link, an organization that pairs farmers with landowners who have private agricultural lands available for lease, to ascertain the demand for similarly situated lots with an agricultural water source and prime/agriculturally suitable soils.<sup>4</sup> The Farm Link representative, Mr. E. Winders, indicated that the coastside farms within unincorporated San Mateo County are seeing moderate demand for leases, including small to mid-scale farms such as the 6.7-acre property. In addition, he indicated generally that small-scale farming is becoming increasingly prevalent in this area. In fact, Mr. Winders indicated that he was working to establish a farming lease on a small farm in close proximity to the project site. Further, given the existing well and prime soils on site, Mr. Winders indicated that the property would be attractive for grazing uses, and that Brussels sprouts, leeks and artichokes would also likely be viable, particularly since these crops are salt-tolerant and commonly grown along the coast.

Additionally, the County's Agricultural Advisory Committee recommended protecting the agricultural land for agricultural purposes, and even enlarging the PAD designation to incorporate an area of the prime soils that are located within the C-1 zoning designation in order to further protect and provide for agriculture. In fact, although the land on the rural services center side of the split zoning is not explicitly protected by the LCP for agriculture, there is nothing prohibiting or precluding the landowner from using the lands on both sides of the line for agricultural purposes, which would mean that even more area would be available for agricultural purposes since much of the C-1 side of the existing parcel is not currently developed.

Therefore, historical and current farming in the area, along with the property's prime soils and water well, the input of the County's Agricultural Advisory Committee, and comments from the Farm Link representative, evidence that a small scale farming operation would be viable at this site. Any division of the PAD portion from the C-1 portion of land would further constrain the PAD portion of land and likely result in residential development and displacement of productive agricultural soils. Likewise, allotting the agricultural well to residential use, on both sides of the line, would serve to both do the same, and to further constrain agricultural viability on the PAD land.

The entire 12.4-acre parcel is made up of almost entirely prime soils. Pursuant to the maximum density criteria, if the entire parcel was located in the rural area (as opposed to being bisected by the rural area boundary), its maximum density would be one unit, and subdivision of the parcel would not be allowed pursuant to LCP Policy 5.11 and 5.14, because pursuant to those policies, the number of parcels that may result from a subdivision is limited to the number of density credits to which the parcel being divided was entitled, prior to the division. However, as previously discussed, the subject parcel is partly in the rural area (PAD) and partly in the rural service center (C-1). Density credits are not applicable in rural service centers, and the C-1 zoning district, which is the zoning district for the rural service center portion of the parcel, allows for one residential unit for each 5,000 square feet of lot area.

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<sup>4</sup> Phone conversation with E. Winders, Farm Link, Thursday, November 29, 2012.

When considering this issue, the County determined that because the LCP allows each separate rural parcel a density credit, to be used for residential development, the PAD portion of land should get its own density credit. Following this interpretation, the County allowed a division between the commercial and agricultural portions of property, and indicated that the rural PAD parcel could potentially be used for future residential development, even though such a subdivision would be prohibited by the LCP if the parcel were entirely located in the rural area.

The County's conclusion is inconsistent with the LCP for several reasons. First, it ignores the fact that density credits are strictly limited to one per legal parcel. Second, the existing parcel is already served by a primary residence, which would count towards its density credit if a subdivision were to occur. And third, it does not account for the LCP's standards, which only allow one additional density credit for each additional 40-160 acres of land area, beyond the first 40-160 acres of land area.<sup>5</sup>

Regardless of the County's determination, however, the number of density credits applicable to the proposed PAD parcel is ultimately irrelevant because the creation of the proposed PAD parcel, which is the only area of the parcel to which density credit provisions apply, cannot be approved consistent with the LCP. First, as discussed, LCP Policy 5.7(c), in regulating the division of prime agricultural land, prohibits new parcels where the only building sites consist of prime agricultural land. In this case, the resulting PAD lot is comprised almost entirely of prime agricultural land and while the other land suitable for agriculture on the PAD land may or may not be feasible for the primary footprint of a future building, the only feasible septic leachfield that was identified was on prime land, and any driveway to access a building footprint would necessarily encroach onto the prime land as well. Therefore, as proposed, the subdivision would be inconsistent with the LCP because the LCP prohibits the creation of parcels where the only building site would be located on prime agricultural land (Policy 5.7(c)), and at a minimum, a portion of any future building site (at least the driveway) would be located on prime land.

Second, LCP Policy 5.9 prohibits the division of lands suitable for agriculture unless it can be demonstrated that agricultural productivity would not be reduced. In this case, the LCP-protected agricultural land is confined to the 6.7-acre PAD portion of the parcel (due to the way the LCP defines agricultural protection relative to rural service centers such as this). However, allowing the 6.7-acre PAD area to be developed with a residence or other non-agricultural use in the future (as would potentially be allowed pursuant to the conditional use requirements for a separate parcel of agricultural land, and as would at the least be perceived by a property owner of a legal lot, including in light of constitutional takings issues), would result in a reduction of land area available for agriculture, and a corresponding reduction in the existing or potential agricultural productivity of the land, inconsistent with LCP Policy 5.9.

Third, LCP Policy 1.8 requires that new development in rural areas (including the proposed subdivision of the rural PAD land, which is defined by the LCP as development) only be allowed if it does not diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production. Accordingly, enabling the future use of Parcel 3 for residential or other non-agricultural uses would be

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<sup>5</sup> As previously discussed, the density credits accrue at a rate of one per 40 – 160 acres of land area, depending on the constraints of the site.

inconsistent with this policy because it would lead to the loss of land area that is designated for agriculture.

Fourth, as described earlier, the proposed project includes the conversion of the existing agricultural well on the agricultural property to a well designed to serve residential development on the commercial side of the overall property, and explicitly to serve residential, not agricultural, development on the agricultural property. The existing agricultural well was constructed as an agricultural well, subject to a CDP exclusion because it was for agricultural purposes. Converting the well to non-agricultural uses reduces the amount of water that would be available for agricultural purposes on the agricultural side of the property. The record lacks evidence indicating to what degree such conversion would affect agricultural productivity on the PAD land. If the water is allotted to residential/commercial development on the C-1 side of the line, that reduces the amount of water available for agricultural purposes. Similarly, if the water on the PAD side of the line is allotted to residential uses, that also reduces the amount of water available for agricultural purposes on the PAD side (and the residential use on the PAD side that is referenced would also reduce land area available on the PAD land and otherwise affect agricultural viability in ways not completely understood currently).

Finally, as indicated above, LCP Policy 5.14 requires a Master Land Division Plan that requires identification of which parcels will be used for agricultural purposes and which for non-agricultural purposes. It is not entirely clear that there has been an explicit acknowledgment of this requirement by the Applicants (or the County). In any case, if the PAD parcel is intended to be used for non-agricultural purposes, and that is what is proposed under Policy 5.14, such conversion is not approvable under the agricultural protection policies of the LCP, as described above in relation to the agricultural values of the PAD site. If instead the PAD parcel is intended to be used for agricultural purposes pursuant to Policy 5.14, then Policy 5.16 requires that the land be subject to an easement in favor of the County that limits its use to “agricultural uses, non-residential development customarily considered accessory to agriculture, and farm labor housing”. The only conversion from these uses allowed under LCP Policy 5.16 is to open space, subject to certain criteria. Contrary to this requirement, the Applicant intends the PAD parcel to be created to be used for residential purposes (including as evidenced by the fact that the existing agricultural well is proposed to be used for residential purposes on the PAD site; the Applicants proposed a building site to be evaluated for purposes of the CDP application on the PAD site; and the Applicants’ representations to the Commission regarding their intent for the PAD property). Thus, in either circumstance, the creation of the PAD parcel is inconsistent with LCP Policies 5.14 and 5.16.

In conclusion, the proposed project is inconsistent with the agricultural protection policies of the LCP because it creates a stand-alone agricultural parcel through subdivision whose only building site would be on prime agricultural land, and for which future non-agricultural development could be pursued to the detriment of agricultural land, including because it would preclude an area of agricultural land (prime and/or non-prime) from being available for use as agriculture at all. It would also convert an agricultural well to commercial/residential use without an understanding of the way in which such conversion reduces the viability of agriculture on the PAD property. The proposed project also cannot be found consistent with LCP provisions requiring land divisions to explicitly define parcels for agricultural and non-agricultural uses,

and where such parcels are otherwise permissible, further requiring restrictions be placed on the agricultural parcels to avoid all non-agricultural uses and development on them in the future. The proposed project is not approvable under the LCP, and must be denied.

## 2. Visual Resources

The County's LCP includes strong protections for visual resources, including along scenic corridors. LCP Policy 8.5 (Location of Development) states:

*a. Require that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5. Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. ...*

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

LCP Policy 8.28 (Definition of Scenic Corridors) states:

*Define scenic corridors as the visual boundaries of the landscape abutting a scenic highway and which contain outstanding views, flora, and geology, and other unique natural or manmade attributes and historical and cultural resources affording pleasure and instruction to the highway traveler.*

LCP Policy 8.30 (Designation of County Scenic Roads and Corridors) states, in part:

*b. Designate...La Honda Road (State Route 84)...[and]...Stage Road....*

The subject property is located at the intersection of La Honda Road (State Route 84) and Stage Road. The LCP designates both of these roads as County scenic roads and corridors, and they both contain outstanding rural and open space views that take in the flora, geology, and other unique natural and manmade attributes, including historic and cultural resources, affording pleasure and instruction to the highway traveler. In such areas, the LCP requires protection of the viewshed when siting new development. Where the entire property being subdivided is visible from County scenic roads, as is the case at the subject site, the LCP requires that new parcels have building sites that minimize visibility from those roads and other public viewpoints. LCP Policy 8.5(a) requires that new development be located on a portion of a parcel where the development is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, is consistent with all other LCP requirements, and best preserves the visual and open space qualities of the parcel overall.

In this case, the proposed project would subdivide the parcel into four separate lots. One lot would be developed with two residences and shared garage as part of this proposal, and all four could potentially be developed further in the future. All four parcels would be visible from the two bordering County scenic roads, even though views are occasionally obstructed by trees and existing development on the parcel. The two new residences and the new shared garage would be prominently visible from Stage Road (see **Exhibits 1, 2 and 5**).

With regard to proposed Parcel 1, the two proposed residences would be located relatively close to the road, even though the proposed parcel extends approximately 600 feet west towards the middle of the proposed parcel line (where it meets the PAD land). Therefore, a far larger setback could be achieved between the road and the residences, thereby locating the development where it would be less visible from the scenic road. With regard to proposed Parcel 4, this proposed parcel fronts La Honda and even though there is some intervening vegetation, would result in a residential or commercial building site that would be prominent in this view. The proposed parcel configuration makes development here likely, as compared to the existing parcel configuration that could allow for more sensitive siting relative to the scenic roads.

Because the existing lot configuration provides the most siting flexibility, and because it is possible to locate the proposed development where it would be less visible from the scenic road and corridor, the project, as proposed, is not consistent with this requirement. Although it is possible that different parcel configurations and different siting and design alternatives could avoid impacts to visual resources through revised (or no) subdivision and revised building envelopes and screening requirements, the fact that the proposed project is in direct conflict with the agricultural resource protection policies of the LCP prevents the identification of the appropriate siting and design in this case, until after the number and configuration of lots that can be created consistent with the new development and agricultural protection provisions of the certified LCP is first identified.

### **3. Lot Legality**

LCP Policy 1.2 Definition of Development states, in part:

*As stated in Section 30106 of the Coastal Act, define development to mean: change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use.*

LCP Policy 1.27 Confirming Legality of Parcels states:

*Require a Coastal Development Permit when issuing a Certificate of Compliance to confirm the legal existence of parcels as addressed in Section 66499.35(a) of the California Government Code (e.g., lots which predated or met Subdivision Map Act and local government requirements at the time they were created), only if: (1) the land division occurred after the effective date of coastal permit requirements for such division of land (i.e., either under Proposition 20 or the Coastal Act of 1976), and (2) a coastal permit has not previously been issued for such division of land.*

LCP Policy 1.28 Legalizing Parcels states:

*Require a Coastal Development Permit when issuing a Certificate of Compliance to legalize parcels under Section 66499.35(b) of the California Government Code (i.e., parcels that were illegally created without benefit of government review and approval).*

IP Provision 6105.0. Legal Lot Requirement states:

*No permit for development shall be issued for any lot which is not a legal lot. For purposes of this ordinance, development does not include non-structural uses of property including but not limited to roads, fences or water wells.*

In addition to the 12.4-acre subject lot, the Applicant also owns a 0.04-acre piece of property (APN 081-013-080) which is zoned for commercial use (C-1) adjacent to the subject property and also located within the rural service center. This property was last conveyed on June 3, 1988 by deed, separate and apart from any other portion of property. According to the County, the smaller parcel is a utility lot that was established through a public utility ordinance and is shown on a recorded map from the 1991 subdivision, which created the 0.5-acre lot adjacent to Highway 84 in the middle of the subject property (see **Exhibit 1**). The utility lot is currently improved with at least a portion of a shed, but this portion of property is not proposed for development individually. The small structure on this lot was apparently a telephone utility facility at one time, but no longer serves that purpose. In approving the proposed project, the County required merger of the utility lot with proposed Parcel 1. However it is not clear if the utility lot was legally created, or whether it is still legally a part of the subject 12.4-acre parcel. Thus, any new application for development on the subject property should include information necessary to determine the legality of the utility lot.

#### **4. De Novo Review Conclusion**

The proposed project is inconsistent with LCP requirements related to agriculture and visual resources, as well as with respect to water availability and lot legality. Therefore, the Commission must deny the proposed project. Denial of the proposed project will not eliminate all economically beneficial or productive use of the Applicants' property or unreasonably limit the owners' reasonable investment-backed expectations of the subject property. Denial of the application to develop the project site to the extent and manner proposed by the Applicants would still leave the Applicants feasible alternatives to use the property in a manner that is both economically beneficial as well as consistent with the certified LCP.

As stated above, some of the project deficiencies could be addressed by the imposition of conditions. In fact, there are alternative projects that could avoid the identified inconsistencies, including: (1) the no project alternative because the parcel is already developed with a commercial and residential use; (2) revised numbers and configurations of lots that adequately protect agricultural and visual resources; and (3) the construction of the proposed employee housing without further land division, consistent with the Applicants' stated goals and the commercial intent of the rural services center zoning. Consideration of these and other alternative projects would depend on additional data not currently in evidence regarding agricultural viability and the number and configuration of parcels that can be developed consistent with the agricultural, new development and public view protection provisions of the

certified LCP.

Project denial does not preclude the Applicants from applying for a project that addresses site constraints and is supported by the information necessary to fully evaluate the project's conformity with the LCP. For example, the subdivision could be reconfigured to enlarge Parcel 3 sufficiently to allow for a building site on the commercially zoned land, so that the newly created parcel would have a building site that is not on prime agricultural land, as required by LCP Policy 5.7(c), and that does not otherwise occupy land suitable for agriculture. Water supply issues would still need to be addressed, but at least such parcelization does not lead to the types of problems with a PAD-only agricultural lot as identified herein. In addition, building envelopes could be set back as far as possible from scenic corridors, and building designs could incorporate measures to soften visual impacts and blend with the surrounding natural environment, including through the use of natural building materials (e.g. wood, stone) and earth tones, as well as screening landscaping and berms. Other potential project permutations include eliminating any subdivision and the attendant LCP consistency issues it engenders, and instead pursuing development on the rural services center (C-1) side of the property without subdivision, including residential development similar to that proposed here, as adjusted to address visibility and agricultural impact concerns. This latter alternative is feasible, particularly in view of the Applicants' proposal to use the proposed residences for employee housing consistent with the intent of the rural service center zoning.

Thus, denial of this project is not a final adjudication of the potential for development on this site, but is instead a finding that the project proposed is inconsistent with the LCP and cannot be approved.

## **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Public Resources Code (CEQA) Section 21080(b)(5) and Sections 15270(a) and 15042 (CEQA Guidelines) of Title 14 of the California Code of Regulations (14 CCR) state in applicable parts:

***CEQA Guidelines (14 CCR) Section 15042. Authority to Disapprove Projects.*** [Relevant Portion.] *A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.*

***Public Resources Code (CEQA) Section 21080(b)(5). Division Application and Nonapplication.*** ...*(b) This division does not apply to any of the following activities: ... (5) Projects which a public agency rejects or disapproves.*

***Public Resources Code (CEQA) Section 21080.5(d)(2)(A).*** *Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.*

***CEQA Guidelines (14 CCR) Section 15270(a). Projects Which are Disapproved. (a) CEQA does not apply to projects which a public agency rejects or disapproves.***

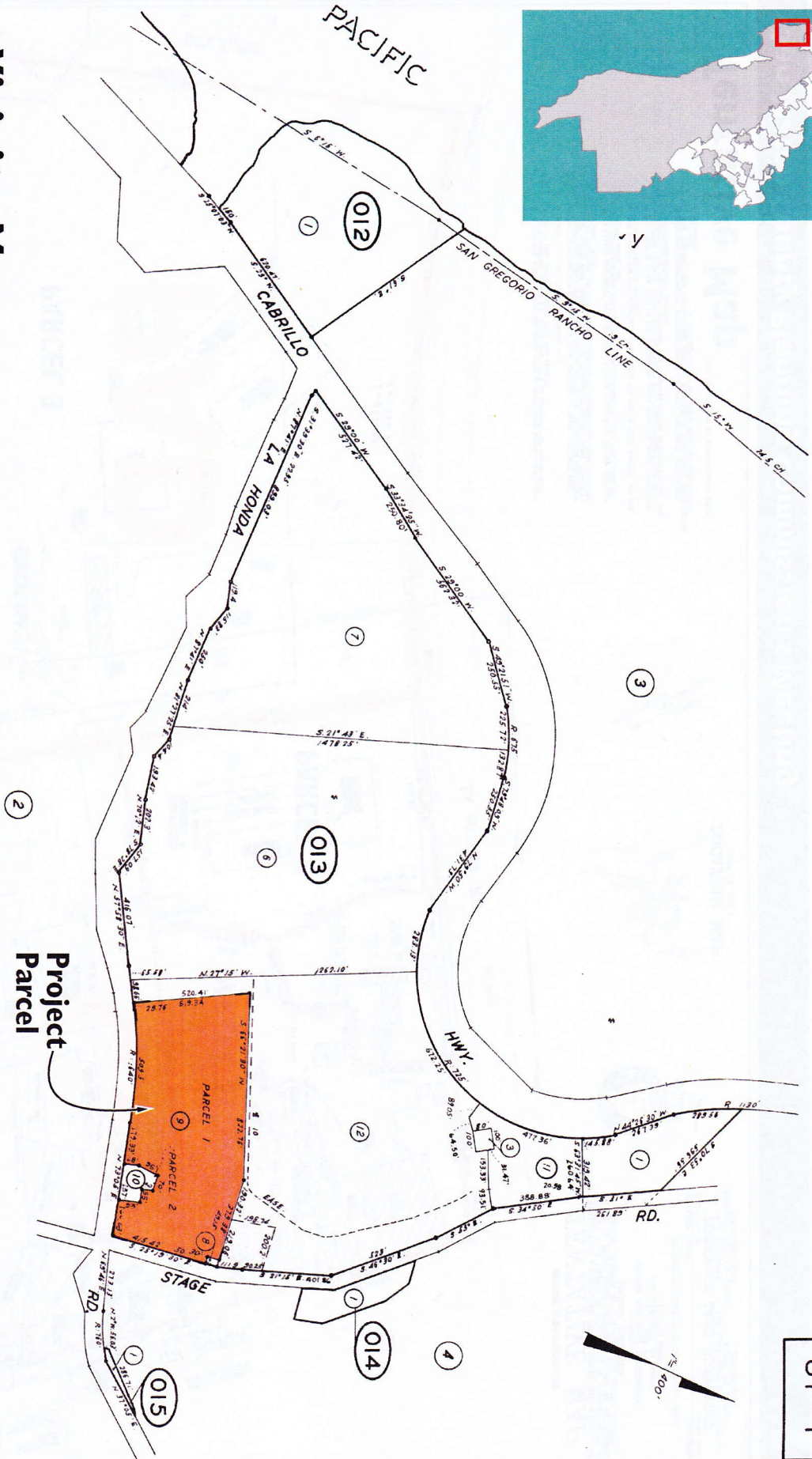
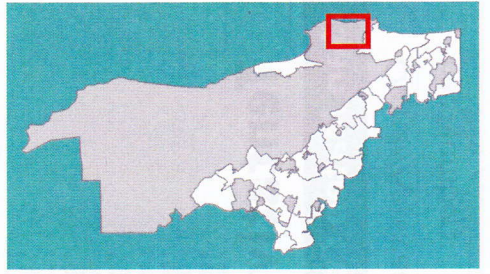
Section 13096 (14 CCR) requires that a specific finding be made in conjunction with CDP applications about the consistency of the application with any applicable requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All above LCP conformity findings are incorporated herein in their entirety by reference. As detailed in the findings above, the proposed project would have significant adverse effects on the environment as that term is understood in a CEQA context.

Pursuant to CEQA Guidelines (14 CCR) Section 15042 “a public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed.” Section 21080(b)(5) of the CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the project were approved as proposed and is necessary because there are feasible alternatives and mitigation measures available which would substantially lessen any significant adverse effect the project may have on the environment. Accordingly, the Commission’s denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, does not apply.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

1. San Mateo County certified Local Coastal Program (LCP)
2. Administrative record for San Mateo County CDP Application Number PLN2009-00112
3. San Gregorio Watershed Management Plan, prepared by Stillwater Sciences, Stockholm Environment Institute and San Gregorio Environmental Resource Center, dated June 2010



81-1

## Vicinity Map

### San Mateo County Planning Commission's Meeting

Owner/Applicant: **Cattermole**

Attachment: **B**

File Numbers: **PLN 2009-00112**



# Tentative Map

## San Mateo County Planning Commission's Meeting

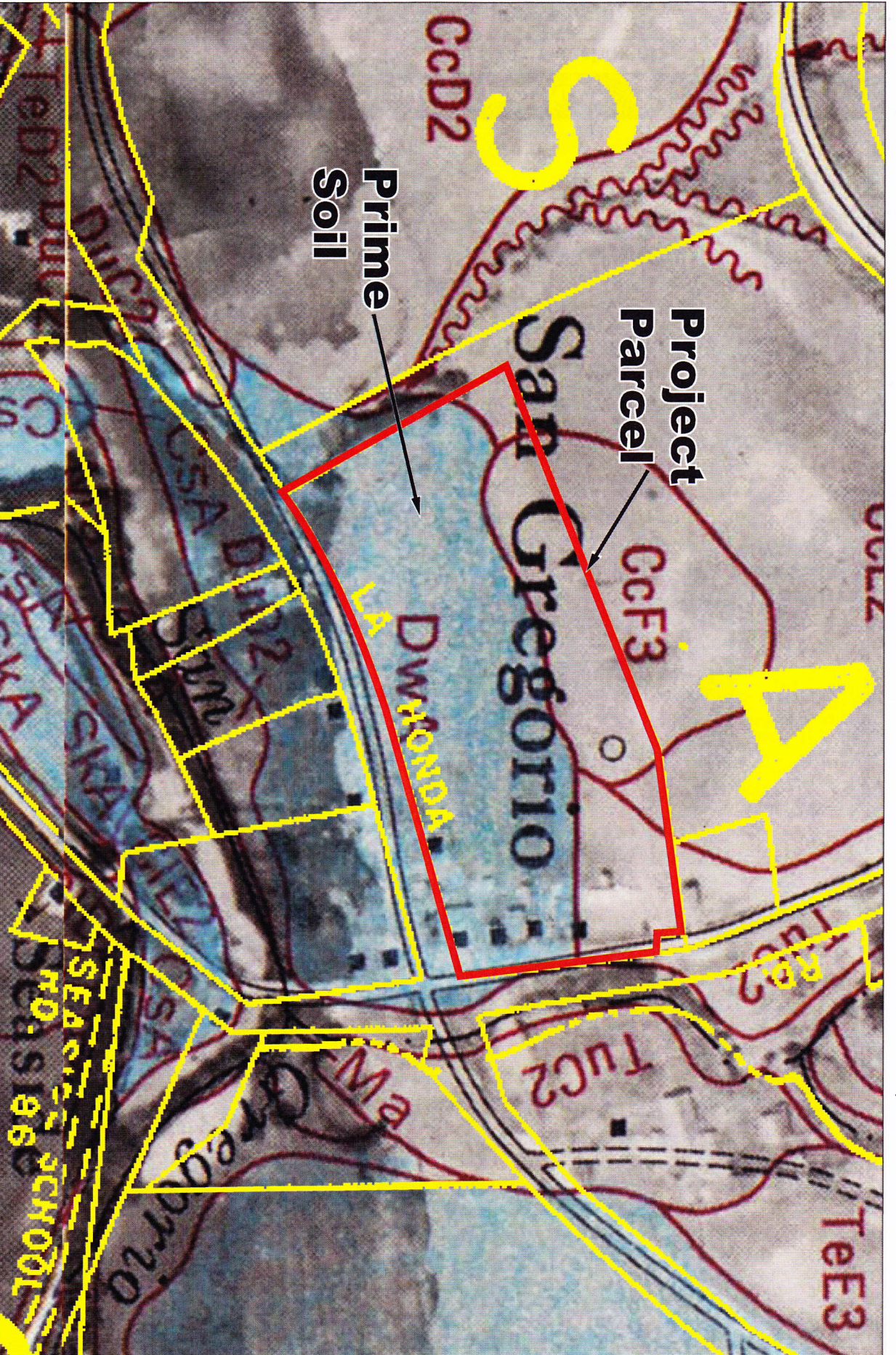
Owner/Applicant: **Cattermole**  
File Numbers: **PLN 2009-00112**

Attachment: **C**

- NOTES:
1. ELEVATIONS AND CURVES: ARE BASED UPON A BENCHMARK 1.57' ABOVE THE MEAN SEA LEVEL, BEING THE ELEVATION OF 100.00 FEET.
  2. SCALE: 1" = 40' CONTOUR INTERVAL: 5'
  3. THIS MAP DOES NOT REPRESENT A FINAL, UNLAWFUL SURVEY. PROPERTY LINES ARE SHOWN FOR INFORMATION ONLY. THE SURVEYOR HAS NOT BEEN REQUIRED TO LOCATE OR MARK THE CORNERS OF THE PARCELS SHOWN ON THIS MAP.
  4. NO RECORD SURVEYS HAVE BEEN OBTAINED TO BE A PART OF THIS MAP. THE SURVEYOR HAS NOT BEEN REQUIRED TO LOCATE OR MARK THE CORNERS OF THE PARCELS SHOWN ON THIS MAP.
  5. THE SURVEY FOR THIS MAP, IS C-1/2-7/10 FOR THE EASTERN PORTION AND PAD FOR THE WESTERN PORTION.
  6. THIS MAP IS TO BE USED IN THE APPLICATION FOR A PROPOSED HIGHWAY AND NOT FOR ANY OTHER PURPOSE.
  7. THE SURVEY FOR THIS MAP, IS C-1/2-7/10 FOR THE EASTERN PORTION AND PAD FOR THE WESTERN PORTION.
  8. THE SURVEY FOR THIS MAP, IS C-1/2-7/10 FOR THE EASTERN PORTION AND PAD FOR THE WESTERN PORTION.
  9. THIS MAP IS NOT BE USED FOR ANY OTHER PURPOSE.



REVISOR 2/24/10/10/09  
**TENTATIVE MAP**  
REVISIONS TO TENTATIVE MAP  
PAGE NO. BEING MADE, CONFORMING TO THE  
RECORDS, CALIFORNIA  
GEORGE AND JOAN CATTERMOLE  
SAN MATEO COUNTY  
FBO BOX 77  
650 725 9590  
PROPERTY ADDRESS IS 7625 STAGE ROAD  
SAN MATEO COUNTY  
SCALE 1" = 40'  
**TURNOSE LAND SURVEYING**  
REDWOOD CITY, CALIF. 94063  
(650) 324-3316  
APRIL 2009  
CALIFORNIA  
REVISIONS TO TENTATIVE MAP  
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GEORGE AND JOAN CATTERMOLE  
SAN MATEO COUNTY  
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**TURNOSE LAND SURVEYING**  
REDWOOD CITY, CALIF. 94063  
(650) 324-3316  
APRIL 2009  
CALIFORNIA

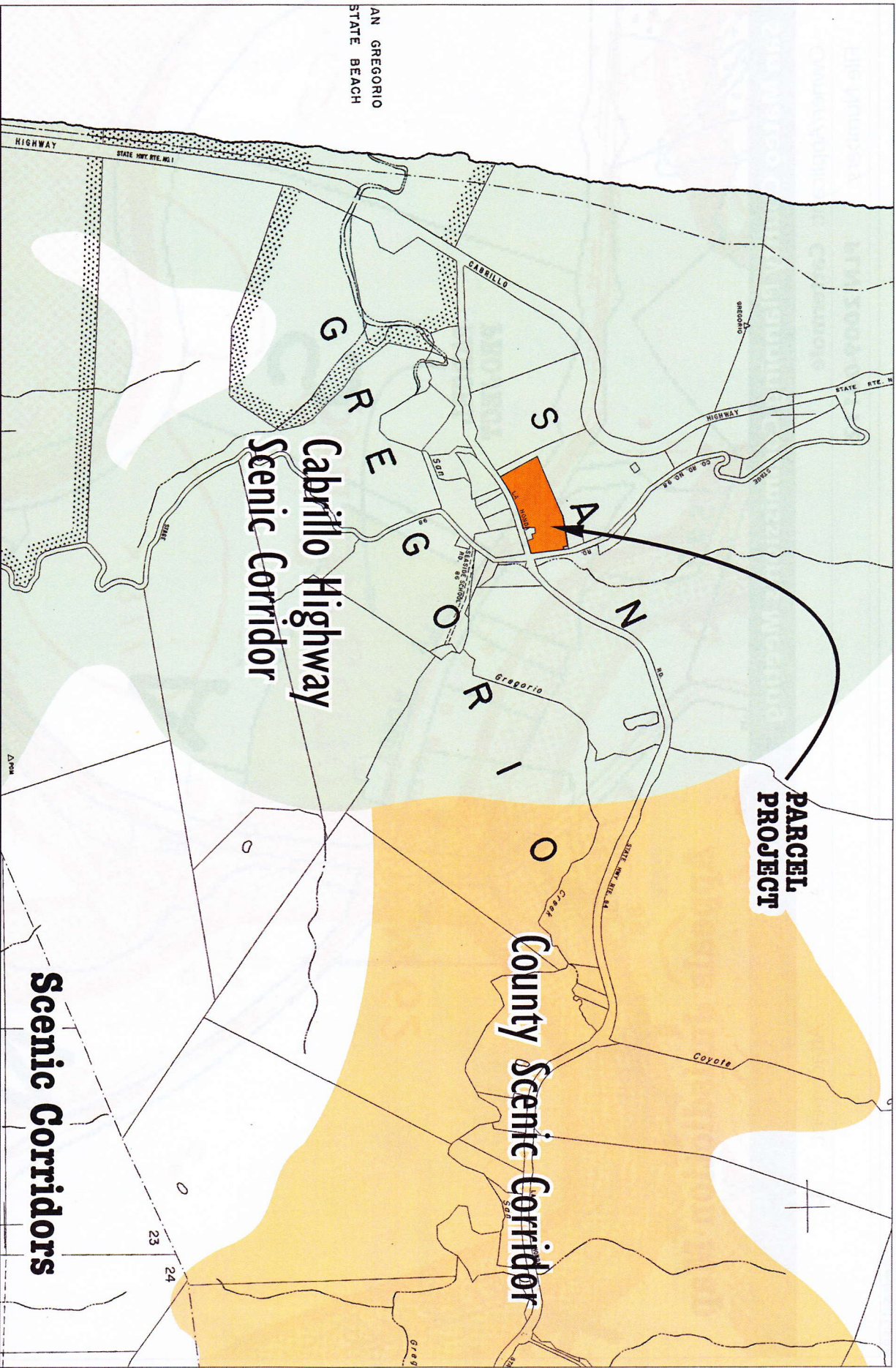


**San Mateo County Planning Commission's Meeting**

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

Attachment: **K**



**San Mateo County Planning Commission's Meeting**

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

Attachment: **M**

On Proposed Parcel 1(C-1) looking West towards Proposed Parcel 3 (PAD)





Dairy Barn on Proposed Parcel 3 (PAD)



On proposed parcel 1 (C-1) looking northwest across same parcel





County of San Mateo

**Planning & Building Department**

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

2-SMC-10-116

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

DATE: 7/26/2011

**NOTICE OF FINAL LOCAL DECISION**

Pursuant to Section 6328.11.1(f) of the San Mateo County Zoning Regulations

**CERTIFIED MAIL**

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

**RECEIVED**

**JUL 28 2011**

CALIFORNIA  
COASTAL COMMISSION

PLANNING CASE NO.: PLN2009-00112

APPLICANT:

OWNER: GEORGE & MARY CATTERMOLLE

PROJECT DESCRIPTION: Minor Subdivision, Use Permit, Grading Permit, & Coastal Development Permit to allow: 1) subdivision of a 12.4-acre parcel into 4 parcels, & 2) the development of 2 single-family dwellings on proposed parcel #1 within the C-1/S-7 zoning district (requiring the UP) & applicable grading of said units. This project is appealable to the California Coastal Commission.

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on 7/26/2011. The County appeal period ended on 7/26/2011. 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 J. CASTANEDA at (650) 363-4161.

Sincerely,

J. CASTANEDA, Project Planner

2-SM E-116

## Planning & Building Department

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

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

July 27, 2011

George and Mary Cattermole  
P. O. Box 71  
San Gregorio, CA 94074

Dear Mr. & Mrs. Cattermole:

**Subject:** Letter of Decision  
**File Number:** PLN 2009-00112  
**Location:** 7625 Stage Road, San Gregorio

On July 26, 2011, the San Mateo County Board of Supervisors considered an appeal of the Planning Commission's approval for your project, consisting of: (1) Minor Subdivision pursuant to San Mateo County Subdivision Ordinance Section 7010, (2) Grading Permit pursuant to Section 8600 of the San Mateo County Ordinance Code, (3) Use Permit and Coastal Development Permit pursuant to Sections 6500 and 6328 of the County Zoning Regulations, respectively, (4) an Architectural Review Permit pursuant to the State Streets and Highways Code, and (5) certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the subdivision of a 12.4-acre parcel into four parcels and development of two single-family dwellings on a single proposed parcel, located at 7625 Stage Road in the unincorporated San Gregorio area of San Mateo County. This project is appealable to the California Coastal Commission.

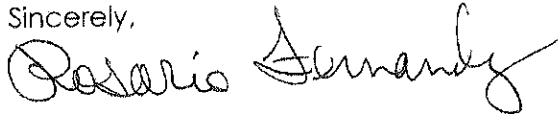
Based on information provided by staff and evidence presented at the hearing, the Board of Supervisors denied the appeal and approved (5-0 vote) the project subject to the findings and conditions of approval as listed in Attachment A.

The Board of Supervisors' 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 Board's decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Coastal Commission's appeal process. A project is considered approved when the appeal periods have expired and no appeals have been filed.

George and Mary Cattermole  
July 27, 2011  
Page 2

If you have questions regarding this matter, please contact James Castañeda at (650) 363-1853.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosario Fernandez". The signature is fluid and cursive, with the first name "Rosario" written in a larger, more prominent script than the last name "Fernandez".

Rosario Fernandez  
Planning Commission Secretary  
Bosdec0726V\_rf\_Cattermole).doc

cc: Cathy Chenoweth  
Ron Sturgeon  
Bill Sanders  
Shauna McKenna

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**REVISED FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 2009-00112

Board Meeting Date: July 26, 2011

Prepared By: James A. Castañeda, AICP

Adopted By: Board of Supervisors

**FINDINGS:**

Regarding the Environmental Review, Found

1. That the Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines. An Initial Study was completed and a Negative Declaration issued in conformance with CEQA guidelines. The public review period for this document was August 30, 2010 to September 20, 2010.
2. That, on the basis of the Initial Study and comments received thereto, no substantial evidence exists that the project, if subject to the mitigation measures contained in the Negative Declaration, will have a significant effect on the environment. The four (4) mitigation measures contained in the Negative Declaration adequately mitigate any potential significant effect on the environment.
3. That the mitigation measures identified in the Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into a Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6. The applicant has agreed to comply with the four (4) mitigation measures contained in the Negative Declaration.
4. That the Negative Declaration reflects the independent judgment of the San Mateo County Planning Commission.

For the Coastal Development Permit, Found

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. As conditioned, the project will present a negligible visual impact to the surrounding area.

6. That the project conforms to the specific findings required by the applicable policies of the San Mateo County Local Coastal Program. The Board of Supervisors finds that the proposed project as conditioned will be consistent with policies pertaining to visual impacts as the improvements and additions will be designed to be in scale with the character of their setting and blend rather than dominate or distract from the overall view of the area.

Regarding the Minor Subdivision, Found:

7. The proposed map is consistent with applicable general and specific plans. The subdivision will create four parcels consistent with the use and density stipulated by the General Plan.
8. The site is physically suitable for residential development. The four proposed parcels are of sufficient size and shape to support the allowed uses within their respective zoning districts without any major landform alternation.
9. The site is physically suitable for the proposed density of development. The subdivision would allow for a maximum density of 0.69 dwelling units per acre. Parcels located within the C-1 (Neighborhood Commercial) Zoning District are not subject to density limitation, and development within parcels in the Planned Agricultural District (PAD) are subject to a density analysis.
10. The design of the subdivision or the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife in their habitat. Very few improvements are required for the subdivision and there is no evidence to suggest that they will cause serious health problems or pose a significant threat to the environment as there will be minimal transport and discharge of pollutants from the project site into the local storm drain system in accordance to the San Mateo Countywide Stormwater Pollution Prevention Program and General Construction and Site Supervision Guidelines.
11. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision as no easements exists on any of the proposed parcels.
12. The discharge of waste from the proposed subdivision into a proposed septic system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. The applicant has proposed a septic sewer system and it has been determined by Environmental Health to be acceptable to accommodate the development.

13. The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (The Williamson Act). The property is not subject to any Williamson Act contracts.

Regarding the Use Permit, Found:

14. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Residential development within the C-1 zoned parcel will not significantly diminish commercial opportunities within the rural service center.
15. That the use is necessary for the public health, safety, convenience, or welfare by providing additional housing for individuals who work in the area, contributing to overall housing options in the rural service area.

Regarding the Architectural Review, Found:

16. That the proposed project is in compliance with the architectural design standards for the Cabrillo State Scenic Corridor. The proposed development will not create a significant visual impact upon completion of construction and implementation of all project conditions. The existing topography and vegetation will screen the proposed development, as well as the use of earth-tone colors and materials to be used on the development.

Regarding the Grading Permit, Found:

17. That this project will not have a significant adverse effect on the environment. The project has been reviewed by Planning staff and the Department of Public Works, which find the project can be completed without significant harm to the environment. In addition, the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 8605. The project, as conditioned, conforms to the criteria for review contained in the Grading Ordinance, including an erosion and sediment control plan. This project is also consistent with the General Plan as discussed in the staff report.

**CONDITIONS OF APPROVAL:**

Current Planning Section

1. The approval applies only to the proposal, documents and plans as described in this report and materials approved by the Board of Supervisors on July 26, 2011. The Community Development Director may approve minor revisions or modifications to the project if they are consistent with the intent of and in substantial conformance with this approval.

2. This subdivision approval is valid for two years, during which time a final parcel map shall be filed and recorded. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning Department upon written request and payment of any applicable extension fees if required.
3. If after two (2) years from the date of approval, the applicant has not obtained all other necessary permits and made substantial progress toward completing the proposed project, the Coastal Development Permit, Use Permit, Architectural Review Permit, and Grading Permit will expire.
4. The parcel map shall be recorded pursuant to the plans approved by the Board of Supervisors; any deviation from the approved plans shall be reviewed and approved by the Community Development Director, as deemed necessary.
5. All aspects of the proposed grading shall comply with the performance standards, as detailed in the Grading Permit Performance Standards Handbook, during all stages of development.
6. A Grading Permit Hard Card shall be issued prior to the beginning of grading activities. The applicant shall obtain a building permit for the proposed retaining walls and shall comply with all applicable requirements of the Building Inspection Section.
7. Prior to the issuance of the building permit or grading permit hard card, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
  - a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
  - b. Minimize the area of bare soil exposed at one time (phased grading).

- c. Clear only areas essential for construction.
  - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
  - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
  - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
  - g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
  - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions.
  - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
  - j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
  - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
  - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5-acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
8. The applicant shall submit an erosion and sediment control plan for the proposed utility and access improvements for Planning staff review and approval prior to installation of said utilities/improvements. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

9. Prior to recordation of the final parcel map, the applicant shall pay In-Lieu Park Fees to the San Mateo County Planning and Building Department pursuant to Section 7055.3 of the Subdivision Regulations. The current amount is \$460.45, but shall be calculated at time of recordation using the most recent assessed value of the parcel as required by Section 7055.3 of the Subdivision Regulations.
10. All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment and shall otherwise be subject to the limits imposed by the San Mateo County Ordinance Code, Chapter 4.88.
11. Unless approved, in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion. The applicant shall submit a letter to the Current Planning Section, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin.
12. No grading activities shall commence until the applicant has been issued a grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) by the Current Planning Section.
13. For the final approval of the grading permit, the applicant shall ensure the performance of the following activities within thirty (30) days of the completion of grading:
  - a. The engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval/ mitigation measures, and the Grading Ordinance, to the Current Planning Section and the Geotechnical Section.
  - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and Current Planning Section.
14. Prior to the issuance of the Grading Permit Hard Card, the applicant shall submit a final soils report for the review and approval of the Geotechnical Section.
15. The applicant shall submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms at the time of each respectively submitted project application. The required drainage plan shall show, in all respective cases, the

surfaces, and to reduce the amount of off site runoff through the use of on-site percolation facilities. The drainage plan shall also include facilities to minimize the amount of pollutants in stormwater runoff through on-site retention and filtering facilities. The on-site drainage plan shall be submitted to the Current Planning Section for review and approval by the Community Development Director prior to the issuance of a grading permit hard card. The applicant shall contact the Current Planning Section for a site inspection one year after the final approval for the grading permit for conformance with this condition. Any deficiencies shall be corrected and will require a subsequent inspection by County Staff to their satisfaction.

16. Should cultural resources be encountered during site work, all work shall immediately be halted in the area of discovery and the applicant shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the applicant. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
17. Within 60-days from the date of approval, the applicant shall obtain applicable approved permits to legalize the barn for residential use prior to the recordation of the final map. If the County is unable to approve the use of the barn as either farm labor housing or affordable housing, then the applicant will have to demolish the unpermitted alterations and restore its use as a non-habitable building prior to recordation of the final map.
18. All utilities shall be placed underground.
19. Prior to receiving a Planning Final sign off for the required building permits, colors and materials shall be verified and shall match those submitted as part of this application (Attachment J).
20. Prior to issuance of building permits for the new residences, the applicant shall submit a landscape plan for approval by the Community Development Director. The goal is to soften the proposed residences and garage as seen from public roads. The plan shall include native trees and shrubs compatible with the coastal area. Said plan must be implemented prior to a final Planning sign off on the building permits.

Building Inspection Section

21. Building permits shall be applied for and obtained from the Building Inspection Section for any future construction on the parcels created as a result of the filing of the final parcel map for this project.
22. 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.
23. The proposed residential development shall comply with the Green Building Ordinance.
24. This project must meet Chapter 7A Standards with respect to siding (Class-A Rated), roofing (Class-A Rated), venting, exterior doors (solid-core) and windows (tempered).

Department of Public Works

25. Prior to the issuance of the Building Permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
26. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
27. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works. The applicant shall contact the Department of Public Works for a site inspection one year after implementation of the improvements required by the Department of Public Works for conformance with this condition. Any deficiencies shall be corrected and will require a subsequent inspection by County Staff to their satisfaction.
29. The applicant shall record documents which address future maintenance responsibilities of any private drainage and/or roadway facilities which may be constructed. Prior to recording these documents, they shall be submitted to the Public Works Department for review.
30. Any potable water system work required by the appropriate district within the County right-of-way shall not be commenced until County requirements for the issuance of an encroachment permit have been met. Plans for such work shall be reviewed by the Public Works Department prior to the issuance of the permit.

31. The applicant shall submit written certification from the appropriate energy and communication utilities to the Public Works Department and the Planning Department stating that they will provide energy and communication services to the proposed parcels of this subdivision.
32. At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of Section 8606.6 of the Grading Ordinance.
33. "As-Built" plans of all construction required by these conditions shall be prepared and signed by the subdivider's engineer upon completion of all work. The "As-Built" plans shall be accompanied by a written certification from the engineer that all private facilities have been completed in conformance with the approved plans.
34. The applicant shall submit a parcel map to the Department of Public Works for review and recording.

Cal-Fire

35. An approved Automatic Fire Sprinkler system meeting the requirements of NFPA-13D is required to be installed in your project. Plans shall include attached garages and detached garages at or above 1,000 square feet. Plans shall be designed by a licensed sprinkler system designer and submitted to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department. Building plans will not be reviewed until the required sprinkler plans are received by the County Building Department.
36. A statement that the building will be equipped and protected by automatic fire sprinklers must appear on the title page of the building plans.
37. 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.

38. A Site Plan showing all required components of the water system is required to be submitted with the building plans to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department for verification and approval. Plans shall show the location, elevation and size of required water storage tanks, the associated piping layout from the tank(s) to the building/structures, the size of and type of pipe, the depth of cover for the pipe, technical data sheets for all pipe/joints/valves/valve indicators, thrust block calculations/joint restraint, the location of the standpipe/hydrant and the location of any required pumps and their size and specifications.
39. 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 San Mateo County Building Department the San Mateo County Fire Department has determined that a minimum of 7,500 gallons of fire protection water will be required, in addition to the required domestic water storage. Fire protection water storage tanks shall be located a minimum of 50 feet from all buildings, or shall be of non-combustible construction. Plans showing the tank(s) type, size, location and elevation are to be submitted to the San Mateo County Fire Department for review and approval.
40. The water storage tank(s) shall be so located as to provide gravity flow to a standpipe/hydrant. Plans and specifications shall be submitted to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department.
41. A Wet Draft Hydrant with a 4-1/2" National Hose Thread outlet with a valve shall be mounted not less than two feet above ground level and within five feet of the main access road or driveway, and not less than 50 feet from any portion of any building, nor more than 150 feet from the main residence or building.
42. The standpipe/hydrant shall be capable of a minimum fire flow of 1,000 GPM.
43. 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.
44. 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 San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than four inches in height, and have a minimum 1/2-inch stroke.

45. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrester of a mesh with an opening no larger than 1/2-inch in size, or an approved spark arresting device.
46. 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. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within five feet of any portion of any building or structures.
47. Remove that dead or dying portion of any tree which extends over the roof line of any structure.
48. This project is located in a wild land urban interface area. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors, and under-floor protection to meet CBC Chapter 7A requirements. You can visit the Office of the State Marshal's website at [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland.php](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland.php) and click the new products link to view the "WUI Products Handbook." This condition to be met at the building permit phase of the project.
49. This condition will be part of the building plan submittal phase of the project. If there is limited access into your property by use of a gate, the San Mateo County Fire Department will require 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 San Mateo County Fire Marshal's Office at 650/573-3846.
50. Contact the San Mateo County Fire Marshal to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Please allow for a minimum of 72 hours notice to the Fire Department at 650/573-3846.
51. Fire Department access shall be to within 150 feet of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be 20 feet wide, all weather surface, and able to support a fire apparatus weighing 72,000 lbs. This access shall be provided from a publicly maintained road to the property. Grades over 15% shall be paved and no grade shall be over 20%. When gravel roads are used, it shall be class 2 base or equivalent compacted to 95%.

52. DRC comments only, this is a preliminary review only. When this design is submitted for a building permit there may be more requirements according to the actual design being submitted and the current codes at time of building permit submittal. This review is neither permission nor approval for final plan check for a permit.
53. If development occurs on the other parcels, Fire Department access and water supply shall be provided at time of building plan submittal meeting the fire code at that time.

Environmental Health Division

54. The applicant shall produce a Covenant of Easement for proposed Parcels 1 and 2 addressing ownership, maintenance and location of easements for the shared well located on proposed Parcel 1. A Covenant of Easement will also be required for proposed Parcels 3 and 4 for the shared well on proposed Parcel 3. These documents are to be recorded with the County Recorder's Office after recordation of the final map.
55. Prior to the recordation of the final map, the proposed septic drain fields for Parcel 1 shall be staked out and verified by the Environmental Health Division.
56. Prior to the recordation of the final map, the applicant shall obtain a repair permit to extend the drain fields on Parcel 2. The drain fields shall be installed according to the septic plans dated June 8, 2011, designed by Mr. Steve Brooks, REHS.



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**  
**Planning and Building Department**



**DATE:** April 11, 2011  
**BOARD MEETING DATE:** April 26, 2011  
**SPECIAL NOTICE/HEARING:** 10-Day Notice  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** Jim Eggemeyer, Community Development Director *JJE*  
for JKE

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Minor Subdivision, Use Permit, Grading Permit, Coastal Development Permit, Architectural Review Permit, and certification of a Mitigated Negative Declaration for the subdivision of a 12.4-acre parcel into four proposed parcels and development of two single-family dwellings on a single proposed parcel, located at 7625 Stage Road in the unincorporated San Gregorio area of San Mateo County. This project is appealable to the California Coastal Commission. (Appeal of the Planning Commission's decision approval of the project.)

**RECOMMENDATION:**

1. Deny the appeal and uphold the Planning Commission's decision to approve the project, County File Number PLN 2009-00112, by making the findings and adopting the conditions of approval as shown on Attachment A.
2. Certify the Mitigated Negative Declaration.

**BACKGROUND:**

As presented to your Board, the project is unmodified since the Planning Commission's approval decision. The applicant is proposing to subdivide a 12.4-acre parcel into four individual parcels located within a rural service center of San Gregorio. The existing subject parcel is currently split zoned. The proposed subdivision would separate the C-1 zoned portion of the subject parcel from the PAD zoned portion, and subdivide the C-1 zoned portion into three parcels. Within one of the resulting subdivided C-1 proposed parcels, two single-family dwellings and detached garage are proposed for development. Approximately 630 cubic yards of grading is required. No development nor division of land is proposed within the remaining parcels which are zoned PAD, and thereby not requiring a PAD permit.

**Previous Actions:** The project was approved by the Planning Commission on October 27, 2010.

**DISCUSSION:**

The applicant/owner requested to subdivide a single, spilt zoned 12.4-acre parcel within the San Gregorio rural service center, and develop one of the proposed lots with two single-family residences. The project was presented to the Planning Commission on October 27, 2010, and subsequently approved. On November 10, 2010, the project was appealed.

The appeal identifies various issues of concern, including the creation of substandard parcels, consistency with surrounding neighborhood, issues with existing area uses, adequate review of agricultural and environmental impacts, and the validity of the findings for the required planning permits. Staff has reviewed and addressed all the appeal issues in the staff report and finds no new issues requiring revisions to the recommendation, project, or conditions of approval. The project is compliant with all applicable policies and regulations, as conditioned.

County Counsel has reviewed and approved the materials as to form and content.

Approval of the Minor Subdivision, Use Permit, Grading Permit, Coastal Development Permit, Architectural Review Permit, and certification of a Mitigated Negative Declaration contributes to the Shared Vision 2025 of a Livable Community because it is consistent with the County's land use regulations, including the General Plan, Local Coastal Program and Zoning Regulations.

**FISCAL IMPACT:**

Approval by the Board of Supervisors would result in property tax revenue increase with tax being assessed on future residential construction.



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Planning and Building Department



**DATE:** April 11, 2011  
**BOARD MEETING DATE:** April 26, 2011  
**SPECIAL NOTICE/HEARING:** 10 days/within 300 ft.  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** Jim Eggemeyer, Community Development Director *JE*  
for JKE

**SUBJECT:** Public hearing to consider (1) Minor Subdivision pursuant to San Mateo County Subdivision Ordinance Section 7010, (2) Grading Permit pursuant to Section 8600 of the San Mateo County Ordinance Code, (3) Use Permit and Coastal Development Permit pursuant to Sections 6500 and 6328 of the County Zoning Regulations, respectively, (4) an Architectural Review Permit, pursuant to the State Streets and Highway Code, and (5) certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the subdivision of a 12.4-acre parcel into four parcels and development of a two single-family dwellings on a single proposed parcel, located at 7625 State Road in the unincorporated San Gregorio area of San Mateo County. This project is appealable to the California Coastal Commission. (Appeal of the Planning Commission's decision approval of the project.)

County File Number: PLN 2009-00112 (Cattermole)

**RECOMMENDATION:**

1. Deny the appeal and uphold the Planning Commission's decision to approve the project, County File Number PLN 2009-00112, by making the findings and adopting the conditions of approval as shown on Attachment A.
2. Certify the mitigated Negative Declaration.

**BACKGROUND:**

Proposal: The applicant is proposing to subdivide a 12.4-acre parcel into four individual parcels located within rural service center of San Gregorio. The existing subject parcel is currently split zoned, with approximately 6.8 acres within the Planned Agricultural District (PAD), and the reminding 5.6 acres in Neighborhood Commercial (C-1). The proposed subdivision would separate the C-1 zoned portion of the subject parcel from the PAD zoned portion, and subdivide the C-1 zoned portion into three parcels. Within one of the resulting subdivided C-1 proposed parcels, two single-family dwellings

and detached garage is proposed for development. Approximately 630 cubic yards of grading is required. No development nor division of land is proposed within the remaining parcels which are zoned PAD, and thereby not requiring a PAD permit. The subject parcel is not under a Williamson Act contract.

Planning Commission Action: Approved

Report Prepared By: James A. Castañeda, AICP, Project Planner,  
Telephone 650/363-1853

Appellants: Shauna McKenna, David Rhodes

Applicants/Owners: George and Mary Cattermole

Location: 7625 Stage Road, San Gregorio

APN: 081-013-090

Size: 12.4 acres

Existing Zoning:

PAD (Planned Agricultural District) – 6.8 acres

C-1/S-7 (Neighborhood Business District/5,000 sq. ft. min. parcel size) – 5.6 acres

General Plan Designation: Agricultural, Neighborhood Commercial

Existing Land Use: Agricultural/Residence/Commercial

Water Supply: Two existing private wells

Sewage Disposal: Septic systems

Flood Zone: Zone C (areas of minimal flooding); Community Panel No. 060311 0250 B, effective date: July 5, 1984.

Environmental Evaluation: Initial Study and Negative Declaration published on August 30, 2010. The public review period for the amended document was August 30, 2010 through September 20, 2010.

Setting: Setting: The subject parcel is situated at the rural service center of San Gregorio located within a small valley where State Route 84/La Honda Road and Stage Road intersect. The area in the general vicinity is surrounded by single-family residences and commercial uses. The San Gregorio General Store and Post Office anchors the rural service area by providing goods to area residences and tourists. The San Gregorio Creek runs through the area, and flows out to San Gregorio State Beach, approximately one mile west. Surrounding hillsides are either used for agricultural uses or have existing native vegetation. The area is within the Cabrillo Highway State Scenic

Corridor, but a vast majority of the area is not viewable from Cabrillo Highway due to topography and existing vegetation.

Parcel Legality: Approved subdivision per SMN 90-3. Final map recorded under volume 65, page 30 on December 4, 1991.

## **DISCUSSION:**

### **A. KEY ISSUES OF THE APPEAL**

The following are points and issues raised by the appellants and others who submitted letters of concerns or oppositions against the project. The issues of each letter are reproduced here verbatim (*in italicized text*), with staff's response following each point/issue. The submitted letters are referenced with an exhibit letter designator to allow reference to copies of the original letters, contained in Attachment O. Each point is given a number designator to allow cross-reference between points since similar issues were raised in the appeal letters.

### **APPEAL EXHIBIT A**

#### **Appeal Application Supplemental Statement**

Shauna McKenna & David Rhodes, 659 La Honda Rd, San Gregorio

#### **A-1.**

***No Agricultural Advisory Committee review.*** *This project has Planned Agricultural District zoning and Prime Soils. This project should have been reviewed by the San Mateo County Agricultural Advisory Committee before it was heard by the Planning Commission. This project has the potential to adversely impact the agricultural potential of the property, however, it was not discussed in the staff report or considered by the Planning Commission.*

Planning staff is required to submit a project for the Agricultural Advisory Committee (AAC) review and recommendation when a Planned Agricultural Permit (PAD) is required. Since the proposed project does not require the issuance of a PAD permit, nor change or affect the PAD zoned portion of the subject site, it was not referred to the AAC.

At their own initiative, the AAC did request to review the project at their March 14, 2011 regular meeting. During their discussion, the Committee indicated initial concerns with impacts to agricultural lands adjacent to the site. The Committee particularly expressed concern with the diminishing of PAD/agricultural land of the existing parcel. It was suggested that the applicant may want to consider increasing the size of the PAD zoned proposed parcel (Parcel 3) by reducing the size of proposed Parcel 1 and eliminate proposed Parcel 4 (both within the C-1 zoned area). Further concerns were expressed regarding adequate water. It should be noted that this suggestion would require a re-zoning of the affected portions of the parcel from C-1 to PAD.

Staff is anticipating a letter from the AAC which will discuss both concerns and possible alternatives for the Board to consider.

**A-2.**

***Project creates a substantially substandard Planned Agricultural District (PAD) parcel that can and will be used for residential use in the future.***

*The parcel size ranges in the PAD is 40-160 acres. Why is the application being approved that creates a Parcel that is only 7 acres in size? This is inconsistent with the zoning, well below the allowed density range and should not be approved.*

Proposed Parcels 1, 2, and 4 are within the C-1/S-7/DR/CD Zoning District (hereafter C-1) with the lot sizes proposed at 2.9, 1.5 and 1.2 acres, respectively. Within this zoning district, minimum lot size is dictated by the S-7 Combining District, which indicates a minimum lot size of 5,000 sq. ft. All three proposed parcels within the C-1 meet this minimum size requirement.

Proposed Parcel 3, comprises the remaining 7 acres of the parcel, is completely within the Planned Agricultural District (PAD). This portion is subject to PAD zoning regulations, which does not require a minimum lot size. PAD zoned parcels must have two or more density credits in order to be subdivided. Parcel 3 (PAD) will only have one density credit and, therefore, cannot be subdivided.

The project parcel has spilt zoning, with only seven out of the total 12.4 acres zoned PAD. The project parcel, in its current split zoned configuration, accounts for one density credit, which can only be utilized within the PAD zoned portion of the subject parcel (subject to the issuance of a PAD permit). The restriction of development through the use of density credits does not apply to that portion of the parcel under C-1 zoning.

**A-3.**

***Is the residential use in the existing "dairy barn" permitted? Why is it shown as a barn on the project plans? How many dwelling units will be allowed on Parcel 3, which is zoned for Agriculture?***

The County's records do not indicate that permits were issued for the dairy barn to be used for a non-agricultural use (residential). On March 22, 2011, San Mateo County Code Compliance and Building Inspection conducted a site inspection of the barn located on the PAD zoned portion of the subject project parcel. A Stop Work Notice (SWN 2011-00022) was issued for three illegal dwelling units within the barn structures, as no evidence of building permits were issued for this use. The applicant will be required to apply for the applicable planning permits to allow residential use of the barn, as well as building permits to legalize conversion of the barn into a habitable unit. Processing of these permits must be completed prior to recordation of the parcel map. If the County is unable to approve the use of the barn as either farm labor housing or affordable housing, then the applicant will be required to demolish the unpermitted alterations and restore its use as a non-habitable building prior to the recordation of this parcel map as well.

Regarding the density of non-agricultural development on proposed Parcel 3, if this subdivision was approved, that parcel will have one density credit, which equates to one residential unit. Per Policy 1.8 of the LCP, farm labor housing and affordable housing do not consume density credits.

**A-4.**

***This project creates a commercial parcel for the store/post office without ANY off street parking. All parking is on the public street. The store parcel must comply with off-street parking requirements per the County parking ordinance.***

The parking associated with the proposed development on proposed Parcel 1 will have off-street parking. Required parking for the two proposed residential units will be satisfied on-site through the construction of a 4-car detached garage.

The parking associated with the General Store was not under the review of the proposed subdivision and development on Parcel 1. The San Mateo County Department of Public Works has indicated that no complaints have been received regarding the parking around the General Store and/or on the adjacent right-of-way.

Section 6117 of the San Mateo County Zoning Regulations specifies the requirement for automobile parking spaces:

"In all districts there shall be provided at the time of the erection of any main building or structure, or at the time any main building or structure is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the schedule set forth in Section 6119 of this Chapter."

The store is a grandfathered use that predates the adoption of the County's parking regulations. No enlargement or increase in capacity of the store is proposed as part of this proposal.

Section 6119 of the San Mateo County Zoning Regulations specifies the amount of required off-street parking based on the type of use. While the use of "general store" is not specifically called out, it does fall under the category of "uses not enumerated which are permitted in "C" or "H" districts. This category requires that one parking space per 160 sq. ft. of gross floor area (excluding basements and storerooms) be provided. According to the applicant, the General Store's gross floor area is 935 sq. ft., which equates to approximately 6 required parking spaces. There is currently room for approximately 25 spaces in front of the store within the public right-of-way.

**A-5.**

***Is there residential use in the store building? Why wasn't there a floor plan of the existing building prepared for this application? Are all the existing dwellings units legally approved by the County? Why wasn't the existing residential building on the store parcel discussed in the staff report?***

There is a residential unit located on the top floor of the store. A review of the Assessor's records indicates that this use has been within the building since at least the 1950s. Staff considers this a grandfathered use, as is the existing residence adjacent to the store. No floor plan was required for these buildings because no alterations to their use or construction are proposed.

**A-6.**

***Two houses on parcel #1 – is that consistent with the neighborhood? The Use Permit that allows residential use in the commercial zone did not adequately describe the impacts to all the local residents from this intensification of the residential density. This new density will impact our water and septic systems.***

The area of proposed Parcel 1, where the two proposed residential dwellings are to be located, is zoned C-1/S-7 – (Neighborhood Business District/5,000 sq. ft. minimum parcel size). The C-1 Zoning District allows residential uses subject to the issuance of a Use Permit. The associated S-District regulates the minimum parcel size. In this case, the applicant could potentially subdivide the area encompassed by Parcel 1 into 25 parcels. This is based upon the existing, adopted (by both the County and the Coastal Commission) Land Use and Zoning Regulations. At 2.9 acres, the proposed Parcel 1 far exceeds the adopted density for this rural service center. The two houses will utilize an existing well and the proposed septic system location and design has been approved by the County's Environmental Health Department in compliance with the County's septic ordinance.

**A-7.**

***The future 4 residential uses will only add additional congestion to this busy corner in San Gregorio. There was no discussion of the change to this neighborhood or the added traffic.***

The applicant is only proposing two single-family residences as part of this project, not four. Future development of proposed Parcels 3 and 4 will be evaluated at the time the applicable permits are applied for. Since development on those two parcels may vary in accordance with the allowed uses in the C-1 Zoning District, determining potential traffic impacts is difficult.

Assuming that one single-family dwelling is eventually constructed on Parcels 3 and 4, based upon the Institute of Traffic Engineers trip generation rates, approximately 20 vehicle trip ends per day will be generated from these two parcels. The two proposed residences on Parcel 1 will also add approximately 20 trip ends per day (two trip ends equals one round trip). Staff has concluded that, given the relatively low traffic volume in the project area, the addition of approximately 20 round trips per day will not significantly impact the road network in the project area.

**A-8.**

***This subdivision design will result in a minimum of 4 new homes which is a significant increase in the residential density of this 12 acre parcel. Is there enough water in the area to accommodate this substantial change in use?***

Two wells currently exist on the project parcel; one located within the areas proposed as Parcel 1 (C-1 zoned area) and one on the portion that would be Parcel 4 (PAD zoned area). Four existing water tanks are located on the hillside for the storage of domestic water that is utilized by both the General Store and existing residential units on the project parcel. The first well located on proposed Parcel 1 will serve both Parcel 1 (where two residential dwellings are proposed) and Parcel 2 (where the General Store and residential structures exist). The second well located on proposed Parcel 4 (PAD zoned area), will serve both Parcel 3 (where no development is proposed at this time) and Parcel 4 (where the existing barn is located).

The project was referred to the San Mateo County Environmental Health Department, which issues permits for domestic wells and septic systems, as well as monitors issues that may arise with such. As part of their review, it was determined that both existing wells and water tanks are adequate to serve the new proposed development and existing development sufficient without compromising the water systems in the vicinity.

**A-9.**

***There are existing problems with the septic drainfield for the property given the store and all the living units currently on the property. Further residential development will only cause adverse impacts to the surrounding existing properties. This area cannot handle this increase density.***

As part of the development review process for any rural land in the County, an applicant must demonstrate that the proposed building site can accommodate a septic system that meets the requirements of the County's "Individual On-site Wastewater Treatment and Disposal Systems" Ordinance.

With regard to this project, Parcel 2, where the General Store and an existing residence are located, is served by two existing septic systems. The site plan indicates adequate area on Parcel 2 for future expansion of the drain fields for these two systems if needed.

The applicant has conducted soil percolation tests on Parcels 1, 3, and 4 under the review of the Environmental Health Department. Environmental Health has confirmed that all three parcels passed their percolation test. Wet weather testing was also performed and groundwater was encountered at 8 feet. As conditioned by the Environmental Health Department, future septic systems on these parcels will have to be designed for shallow drain fields, maintaining 3 feet of clearance from groundwater level. The soil percolation testing and wet weather testing were witnessed and verified by a representative from that department.

**A-10.**

***This application divides prime soils in conflict with LCP policy 5.7a.***

The LCP Policies regarding division of prime soils are only applicable within agriculturally zoned areas (PAD and RM-CZ Zoning Districts). The creation of a single PAD parcel as proposed will not divide the prime soils within that portion of the Project Parcel that is zoned for agriculture.

**A-11.**

***This application is in conflict with LCP policy 5.7 c that prohibits the creation of new parcels whose only building site would be on prime agricultural land. Parcel 3 and Parcel 4 house site are on prime soils.***

As previously mentioned, the prime soils policies only apply to the agriculturally zoned area (PAD) of the Project Parcel. Parcel 4, while it will have prime soils on it, is not subject to the above referenced policy because it is within the C-1 Zoning District. Development of Parcel 3 (PAD zoned) will be subject to the issuance of a PAD permit including criteria for the conversion of prime soil. However, it should be pointed out that there are areas of non-prime soils on Parcel 4 that could, potentially, accommodate non-agricultural development.

**A-12.**

***The ultimate conversion of Prime soils per LCP policy 5.8 was not discussed or considered in the approval of this application.***

No conversions of prime soils are proposed as part of this application. As discussed in the previous response, the LCP prime soils policies are not applicable within the C-1 zoned areas (where Parcels 1, 2, and 4 are located, as well as the proposed residential development). Therefore, conversion of prime soils was not discussed as none are being converted.

**A-13.**

***This application is not consistent with LCP policy 5.22 a & b. It has not been proven that there is adequate on site well water for the commercial use and new residential use.***

The project was reviewed by the Environmental Health Department, which has recommended approval. Environmental Health determined that the two existing wells met the quantity and quality standards contained in the County Well Ordinance, as well as all other applicable standards contained within the Ordinance.

**A-14.**

***The staff report did not indicate any special species in the area, however there are frogs and snakes within the vicinity of this project.***

As part of the environmental review process, staff consulted the California Natural Diversity Database and the San Mateo County Rare and Endangered Species and Sensitive Habitats Maps, which indicated no evidence of any endangered species, sensitive habitats, or special status plant species on or adjacent to the project site. There is no identified riparian or wetland habitat or vegetation on the Project Parcel.

As a precaution, staff has conditioned the project to require the applicant to hire a qualified biologist to conduct a pre-construction survey for the California Red-Legged Frog and San Francisco Garter Snake. If any are found during grading and construction, work shall stop and the applicant shall contact the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the San Mateo County Current Planning Section for instructions (Condition 20).

**A-15.**

***This level of residential development could not have been the intent of the original LCP. This project is turning the San Gregorio Rural Service Center into a Rural Residential Center. The project will result in only one commercial parcel / residential (unit(s) in upper floor of store, the rest will be residential.***

The "Rural Service Center" land use designation is defined by the Local Coastal Program (LCP) as "small rural communities having a combination of land uses that provide services to rural areas." Staff has interpreted the intent of such to provide mixed uses that support the local farming activities, which also includes housing. LCP Policy 1.12a requires infill of rural service centers to meet housing needs generated by local employment.

Given the proposed residential uses, staff feels this is consistent with not only the surrounding neighborhood, but with the intent of the LCP, the respective zoning, as well as the County General Plan. Residential uses are allowed within the C-1 Zoning District, as well as the Rural Service Centers.

**A-16.**

***By approving this subdivision, the County is committing this property to residential use. Not agriculture or commercial per the Local Coastal Plan.***

Approval of the subdivision does not change the allowable uses on each resulting parcel, which is dictated by the respective zoning. The C-1 area of the subject parcel allows for commercial uses as well as residential uses (subject to applicable permits), and the PAD zoned area allows for agricultural and agricultural related uses, as well as residential uses subject to the approval of a PAD permit. The proposed subdivision will not change the potential land uses as dictated by the existing zoning. The applicant is able to apply for the residential development within the C-1 zoned area immaterial of the subdivision, still subject to the required Use Permit.

**A-17.**

***There was not adequate analysis of visual resources impacts. No story poles were required for this project, but there were for Paul McGregor's project just up the street on Stage Road. Story poles should be required for all proposed and potential house site noted on the project plans.***

The requirement for story poles is on a case-by-case basis, based on the project's unique and specific characteristics. The referenced project is located near the top of the ridge overlooking San Gregorio. The story poles were required for that project in order to determine compliance with LCP Policy 8.7 (*Development on Skylines and Ridgelines*). The two houses proposed by this project are not near the top of the ridge and there is no evidence to suggest they will project above the skyline (which is prohibited by Policy 8.7). Additionally, the two houses and garage will be clustered near existing development, in compliance with Policy 8.5 (*Location of Development*). For the aforementioned reasons, staff determined it was not necessary for story poles to be erected, nor were they requested by other reviewing agencies or the Planning Commission.

**A-18.**

***Inadequate information in the Environmental Review / Initial Study did not address all the factors mentioned above. Therefore we are concerned how can the Board make the necessary findings to approve this project.***

Staff conducted a thorough environmental review of the project, and developed an Initial Study and Negative Declaration with the resources available to staff (which are cited within the Initial Study). Mitigation measures were proposed where staff determined that potential significant impacts could occur unless mitigated.

**A-19.**

***Inadequate information for the necessary findings for the Coastal Development Permit. No review of consistency of the Agricultural Component. No information regarding the Sensitive Habitat Component. No information regarding the Visual Resources impacts. Therefore we are concern how can the Board make the necessary findings to approve this project.***

See the discussion above under Questions A2, A10, A11, A14, and A17.

**A-20.**

***Inadequate information for the necessary findings for the Minor Subdivision. This project as proposed is not consistent with the General Plan per all the policies listed above that the project violates. Therefore, we are concerned how can the Board make the necessary findings to approve this project.***

See the discussion above under Questions A6, A8, A9, and A15.

**A-21.**

**No findings for the Use Permit or Official Act on the Use Permit.** As neighbors to the project, we are concerned that the project may be detrimental to our welfare and injurious to our property if it impairs our drinking water, damages our existing septic systems and/or cause injury to wildlife. Therefore we are concerned how can the Board make the necessary findings to approve this project.

**Findings for the required Use Permit were not included in the Staff Report or in the Letter of Decision. Therefore there is no Use Permit approval for the residential use in the commercial area. This alone would be reason enough to re-hear this project and consider all impacts.**

The appeal did point out that the findings for a Use Permit were not included within the Letter of Decision issued after the Planning Commission's approval on October 27, 2010. As an oversight, the Use Permit findings were not included within the recommended findings; however, they were discussed within the staff report for the Planning Commission's consideration. The lack of findings within the final letter of decision does not necessarily change the Planning Commission's intent in approving the project, nor changes staff's analysis and recommendation for approval.

Since this appeal is a de novo hearing before of the Board of Supervisors, the Board must make its findings immaterial of the Planning Commission's previous determination. Use Permit findings are included in Attachment A.

**A-22.**

**Was the Water Master of San Gregorio contacted regarding this application? Does this proposed use exceed the water rights for this parcel?**

Individual property owners' groundwater rights are not a part of the San Gregorio Creek water adjudication, which addresses riparian water rights for those property owners adjacent to the Creek and its tributaries. The applicant is not proposing withdrawals of surface water from the Creek.

**A-23.**

**There was not an accurate assessment of the number of existing dwelling units done and an estimate of potential commercial uses under the current configuration? The existing uses already overburden our area and it will only get magnified if the proposed additional 4 residential lots are approved.**

Staff evaluated the potential impacts of the two proposed single-family dwellings as part of the discussion regarding conformance with the Local Coastal Program (specifically the "Locating and Planning New Development" component) and compliance with Zoning Regulations. In regard to future, potential development of other parcels created by the proposed subdivision, staff evaluated such under the compliance with Subdivision Regulations. In both cases, staff concluded that proposed development and potential development on the created parcels will not overburden the surrounding area, as it has been demonstrated that adequate water and sewer can be provided, and other potential impacts are negligible.

Both these topics were discussed within the Planning Commission staff report dated October 27, 2010, and are contained within this staff report under Sections B.2 through B.4.

**A-24.**

***Cattermole subdivided once in 1991 and now with this additional Minor Subdivision, he will have created 5 parcels from his original single parcel. Is this a Major subdivision? Will other standards apply to this project? Does it need a White Report with the Department of Real Estate?***

While staff acknowledges that a minor subdivision was approved to create a 19,120 sq. ft. parcel (APN 081-013-100), staff does not consider that action taken 20 years ago as part of the overall subdivision of the lot, and as such does not constitute a Major Subdivision or subject to the requirements of such.

**APPEAL EXHIBIT B**

Letter, November 10, 2010

Shauna McKenna & David Rhodes, 659 La Honda Rd, San Gregorio

**B-1.**

***Inadequate notice and community review of the project:***

*We were not given adequate time to review the project/development proposal. We received a notice of the public hearing held on Wednesday October 27, 2010, in the U.S mail, the Thursday, **October 21, 2010, just 5 days before the Planning Commission hearing.** There was no copy of the project plan sent to us, nobody contacted us for input and nobody has adequately reviewed the intensity of the existing buildings' land uses and the stress this project will have on this sensitive area. **It was a shock to us that this large-scale project was approved in one hearing without adequate notice.***

All Planning Commission hearing agenda notices are published 10 days prior to any hearing, and are mailed to all properties within 300 feet of the project to the address on file with the County Tax Assessor. No further public notification is required during staff's review of the project.

**B-2.**

*The current **intensive commercial and residential** land uses of the Cattermole property already overburden the current leach field behind our home, which is **currently just one single family residence**. More analysis needs to be conducted to measure the real impact of this proposed project with our soil conditions, slope, water table characteristics, load, odor and physical use of the current property and the proposed parcel subdivisions.*

As discussed earlier, under Question A-9, the project has been reviewed and approved by the Environmental Health Department. The applicant has demonstrated, to the satisfaction of the Environmental Health Department, that they can construct a septic system that meets the requirements of the County's Septic System Ordinance.

**B-3.**

**Water and Septic system concerns:**

*The water and septic demands that the **2** proposed homes will place on us will materially and adversely affect us, **not to mention the additional 2 homes that can be proposed in the future on the Parcel 3 & Parcel 4**. An analysis needs to be conducted to measure how much water will come from the natural spring, the water table and the San Gregorio Creek.*

As previously mentioned, the Environmental Health Department has reviewed the project for adequacy and potential impact to the surrounding area. Such must be demonstrated in order to receive approval from that agency.

According to the Environmental Health Department, well #1 is located on proposed Parcel 1, which will serve itself and proposed Parcel 2 (where the existing General Store and residence is located). Well #2 is located on proposed Parcel 3 (PAD parcel) and will serve itself and proposed Parcel 4. Both wells were tested and certified by an Environmental Health Department representative which yielded sufficient results to serve existing, proposed, and future uses.

**B-4.**

*Our well is located in close proximity to both the spring and well that serves the store and the existing residences and the proposed two homes. This development might be suitable for a city water service hook-up but it's not clear that the existing well and leach fields can provide for the additional two new homes and all the other uses that are being taxed currently.*

*The dampness of the leach field behind our home creates puddles now, what can we expect with 2 additional homes approved for parcel 1 and potentially more homes on parcels 3 and 4? The redwood tank that is currently supporting the residential/barn septic needs to be addressed before it is sold off and developed.*

As mentioned in prior responses, the Environmental Health Department has determined, as part of their review and analysis that the proposed development and subdivision will be adequately served by both existing wells and the proposed septic system will not impact those systems.

As indicated in an earlier response, soil percolation tests have been performed on proposed Parcels 1, 3, and 4. These tests have demonstrated that each of the parcels can support on-site sewage disposal systems. Parcel 2 has two existing septic systems and drain fields that serve the General Store and an existing residence.

On February 16, 2011, the Environmental Health Department conducted a field investigation of the existing septic system and drain field on Parcel 2, and found it to be in functioning order. Samples of standing water found after a storm were taken for lab testing, and found very small traces of enterococcus, an indicator for effluent and raw sewage. A count number of 624 was measured, where presence of raw sewage would have enterococcus counts greater than 10,000. The Environmental Health Department assumes that this sample had a large amount of groundwater from the recent winter rains and mixed with the septic effluent.

The existing septic drain field, older in design, did not account for a higher groundwater table at the time of installation. This leads to potential seasonal issues when rain has saturated the ground and then mixing the groundwater with the effluent. Given the extremely low enterococcus count, the Environmental Health Department has recommended that the septic tank be pumped, and switch the diversion valve to use the second half of the septic system to eliminate the situation. A follow up inspection is pending at this time.

Current regulations require that all new drain fields must address the level of groundwater in the immediate area where the septic system is proposed, and maintain a minimum of 3 feet from groundwater. The new systems proposed for this project will adhere to such regulations, and will not have the same effects the current system potentially experiences seasonally. A new system on Parcel 1 will be approximately 200 feet away from the house at 659 La Honda Road. Regarding the location of a potential septic system on Parcel 4, the County's Septic Ordinance requires it to be a minimum of 50 feet from a property line and 100 feet from any well.

**B-5.**

*What impact will parcel 3 and 4 have on our well and septic system? Those project plans and proposed homes aren't on the table yet, but they will impact us when they are sold and developed by another party. Are they buildable and are they considered on prime soils? What is the real impact to our water viability and well water quality? If these concerns are not mitigated, **our health is being put at risk.***

As indicated earlier, tentative subdivision maps, regardless if development is proposed at the same time or not, must demonstrate that all parcels are capable of being served by water and sewer services. If not, it must be demonstrated that a well can provide water to the parcel(s), and that they are capable of supporting a septic system for adequate waste disposal. Soil percolation tests were performed on Parcel 1 (where the two proposed residential units are to be located), Parcel 3 (PAD zoned parcel) and Parcel 4 (vacant C-1 parcel) and all demonstrated adequate conditions to support development without impacting the uses or other septic systems in the vicinity. Future development on Parcels 3 and 4 will require a separate development review process at which time the impacts of those specific developments would be analyzed and considered at public hearings.

**B-6.**

*Is there going to be adequate leach fields with the surrounding parcels? Parcel One is on a hillside. If a leach field is on a slope of 20% or more, then a geotechnical report must be issued concerning stability and the introduction of septic effluent. Where are the percolation assessments for this project? Were the percolation tests accomplished in a drought year or under wet weather conditions?*

As indicated earlier, both dry and wet weather percolation testing was performed. The design of the proposed septic system on proposed Parcel 1 takes into account the topography, and meets with the satisfaction of the Environmental Health Department to provide adequate sewer disposal for the uses on that parcel.

**B-7.**

*Also of critical issue is the ground in this area. It consists of a very heavy clay structure. To compound this situation, groundwater lies at 7-8 feet below the surface. We know this because we have needed to install 2 French drains and sump pump around our home and have seen the water. The combination of clay soil and high water table would make the additional burden of more leach lines a concern. The existing leach field which passes just beyond our backyard, is a source of unpleasant odor throughout much of the year. **We cannot imagine what the smell will be like if a second leach or more fields are allowed.***

Please see response to the previous issue B-4 above.

**B-8.**

**Drainage issues:**

*The current culvert system, which runs in front of our parcel, is not adequate or effective today. There is no storm water drainage system. It is highway 84 and the creek. Without good soil drainage and consistent clearing of the vegetation, these culverts get clogged and do not run under highway 84 effectively. Quite often there are large puddles on highway 84 in front of our parcel and the proposed parcels 3 and 4. This will need to be mitigated.*

*During the winter months, there is a pool of water that does not drain in front of the post office, which is attached to the General Store. This water quite often extends into highway 84 and Stage Road, making the post office trip quite wet.*

Drainage concerns have been raised regarding the parking in front of the General Store during wet periods. The San Mateo County Department of Public Works (DPW) has indicated that the property owners, not DPW or CalTrans, maintain the parking area as it is not within the right-of-way and/or roadway. While this issue does not relate to the proposed development, it may be pursued as a separate issue. Drainage issues within the public right-of-way for Highway 84 are the responsibility of CalTrans and should be directed to the CalTrans' offices in Oakland.

As for the proposed development, conditions are proposed to prevent sediment runoff into the streets and streams during construction. The applicant is also required to demonstrate how drainage on the site is dealt with on a permanent basis, which is reviewed and approved by DPW when building plans are submitted for this, and any dwelling.

**B-9.**

**Visual Impacts:**

***All 4 potential homes are within the visual impact of the coastal scenic highway, why weren't story poles required for this sensitive area? This project will double the residential population of San Gregorio and any development needs to be reviewed very carefully with full community input.***

As mentioned in response A-17 above, the requirement for story poles is on a case-by-case basis, based on the project's unique and specific characteristics. For this project, staff did not feel it was necessary for story poles to be erected, nor was requested by other reviewing agencies or the Planning Commission.

While the site is located within the Cabrillo Highway State Scenic Corridor, the site's topography is such that it is difficult to view the proposed development area from Cabrillo Highway due to the angle of viewing and existing vegetation along the roadway. The development is within immediate proximity to the existing development along Stage Road and continues to cluster structures within the rural service center boundaries.

The applicant has proposed colors and materials, which are compatible with the environment and not intrusive to the surrounding area. The requirement for story poles is on a case-by-case basis, based on the project's unique and specific characteristics. For the aforementioned reasons, staff did not feel it was necessary for story poles to be erected, nor was requested by other reviewing agencies or the Planning Commission.

**B-10.**

***Biological and Archeological concerns:***

*The Coastside Habitat Coalition (CHC) is a 501(C) organization founded by George Cattermole with the intent of protecting endangered species and their habitat. To quote from the CHC website "In particular, we are focused on the species imperiled in our own backyard, San Mateo County, California, USA. The species we are working to protect include the San Francisco Garter Snake, California Red-Legged Frog, Coho Salmon and Steelhead Trout." The red-legged frog has been found on this possible minor subdivision and these findings were documented by a scientist the CHC hired to record their presence in the watershed. In addition, the coho and steel head fish are attempting a comeback in San Gregorio creek, which lies several hundred yards from this area. Degradation of the stream environment is a distinct possibility with the additional burden of infrastructure that this development brings.*

*Another issue of concern is the stress on sensitive archeological areas. The spring located on parcel one has probably been here longer than European contact. Was an archeology resources report done for this project?*

As part of staff's environmental review, the California Natural Diversity Database and the San Mateo County Rare and Endangered Species and Sensitive Habitats Maps were consulted which indicated no evidence of any endangered species, sensitive habitats, or special status plant species at the project site. Nor does the project site contain primary habitat for the California Red-legged Frog. It is also isolated from San Gregorio Creek by Highway 84.

Staff also did not find any evidence of archeological features within the project vicinity. The California Historical Resources Information System was consulted, and found no record of any previous cultural resource study performed at the subject site. However, there is always the possibility that historical or archeological resources may be unearthed during grading activities; therefore, staff has included a condition to mitigate the potential effects on unknown resources. Condition #18 states that should cultural resources be encountered during site work, the applicant shall halt all activities, contact the Community Development Director, and retain a qualified archeologist for recording, protecting, and/or curating any discovery as appropriate.

**B-11.**

**Commercial Use and Parking:**

*In addition, any future commercial changes in the C-1 area may require onsite parking. This was not included in the proposed parcel for the store. There needs to be adequate on site parking for the existing business so it does not adversely impact the surrounding area. The current parking now is public right-of-way and should be reviewed further.*

**Change in Use:**

*Another issue is the notion of a rural service center. This project completely changes the intent of the Local Coastal Plan and now there is only one small commercial parcel and the rest of Cattermole property has been converted to residential use.*

See Staff's response above under A-4, A-6, and A-15.

**B-12.**

**Conversion of Prime Soils:**

***Parcel 3 and Parcel 4 have proposed house on prime soils. This is not allowed per LCP policy 5.7c and 5.8. Also Policy 5.7 prohibits dividing prime soils which this project does. Why was the Agricultural Component not used to review this project that has Agricultural zoning? Why was the Agricultural Advisory Committee not referred this project?***

See Staff's responses above under A-1, A-2, A-11, and A-12.

## **APPEAL EXHIBIT C**

Letter, November 10, 2010

Doc Jepsen & Dana O'Neill, 588 La Honda Rd, San Gregorio

### **C-1.**

*The C-1/S-7 zoning allows residential density in excess of what the sensitive area of San Gregorio can accommodate without significant harm to existing uses and the environment.*

Staff conducted a thorough environmental review of the area and the project's potential impact to such. Based on the current uses and the allowed densities of the C-1 Zoning District, the proposed development is consistent with the General Plan and uses within the vicinity.

### **C-2.**

*Was a Biological Report done for this project? There is a known frog colony near Parcel 2.*

A biological report was not required for this project, as staff has found no evidence of any endangered species, sensitive habitats, or special status plants at the project site. A condition of approval has been included which requires the applicant to have a qualified biologist conduct a pre-construction survey for the California Red-Legged Frog and San Francisco Garter Snake. If any are found during grading and construction, work shall stop and the applicant contact the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the San Mateo County Current Planning Section for instructions (Condition Number 20).

### **C-3.**

*The addition of 4+ houses would double the existing rural population of San Gregorio.*

Staff feels the addition of two single-family dwellings (which is all that is proposed at this time) presents a negligible impact to the area of San Gregorio. As indicated in earlier responses, adequate water and septic services can be provided for new development within the proposed subdivision without compromising existing systems within the vicinity.

### **C-4.**

*Water supply in the area is tenuous at best and there is evidence that doubling the density could adversely affect the existing homes in the area.*

As indicated in earlier responses, the Environmental Health Department determined that the existing domestic wells and water tanks are adequate to serve the new proposed development and existing development sufficiently without compromising the water systems in the vicinity.

**C-5.**

*There has been no review of this project by the Agricultural Advisory Committee for their input. Proposed parcels 3 & 4 are within the Planned Agricultural District zone. Parcel 3 would be rezoned for a residential structure and loss of prime agricultural soil. Parcel 4 also shows a large housing site on prime agricultural soil and converts agricultural use to residential.*

See Staff's response above under A-1 and A-2.

**C-6.**

*San Gregorio was designated as a Rural Service Center; however this project changes the reality of our situation by committing the area as a Rural Residential Center with an unlimited commercial use parcel.*

The current zoning allows for commercial uses (as well as residential uses, subject to a Use Permit). As discussed in the response to issue A-15, the Rural Service Center is defined by the Local Coastal Program (LCP) as "small rural communities having a combination of land uses that provide to rural areas." The Planning Commission, in approving this project, has interpreted the intent of that definition to include residential as well as commercial uses within the Service Centers.

**C-7.**

*There are known septic and perc issues year round from the San Gregorio Store. Is that parcel large enough to address on going septic issues for unlimited commercial use? Can they be corrected?*

See staff's responses above to issues A-9, B-4, and B-5.

**C-8.**

*The surrounding property owners were unaware of the extent of development that the Cattermoles are pursuing for this rural area. The hearing notice gave no information on the project, nor did the Cattermoles contact the neighboring properties.*

As mentioned previously in the response to issue B-1, all Planning Commission hearing agenda notices are published 10 days prior to any hearing, and are mailed to all properties within 300-feet of the subject parcel to the address on file with the County Tax Assessor.

## **APPEAL EXHIBIT D**

Letter, November 9, 2010

Catherine Staff, 7365 Stage Road, San Gregorio

### **D-1.**

*The septic/leach field system on proposed development property is at capacity considering there are seven residences and one large commercial building on this property currently. I am very concerned of potential problems that may be created by the four additional residences proposed. I fear this overburdened septic/leach system will leach downhill into the existing culvert that runs under Hwy 84 and empties into San Gregorio Stream which will not only have an adverse effect on the fish, water fowl and other protected species in and around the creek but will contaminate my domestic well water causing my property to become significantly reduced in value.*

Please see staff's responses above to issues A-9, B-4 and B-5 regarding the issue of the existing and proposed septic system's level of adequacy and impact to the surrounding area.

### **D-2.**

*The water needs for the current seven residences and large commercial building with the addition of proposed residences on the property will divert water from the San Gregorio Stream Watershed needed to sustain protected fish and wildlife. This watershed is closely monitored by San Mateo County.*

See staff's responses above under A-13 and A-22.

### **D-3.**

*Having worked with San Mateo County Planning and Building department I am acutely aware of the requirement for story poles to be erected at proposed building sites to address the visual impact on the scenic landscape. I travel the road daily where the proposed residences on parcel #1 are to be built and have never seen any story poles erected. I have great concern that the visual impact of this project to the scenic landscape was not thoroughly investigated.*

The need for story poles was previously discussed under A-17. As mentioned in prior responses, the site's topography is such that it is difficult to view the proposed development area from Cabrillo Highway due to the angle of viewing and existing vegetation along the roadway. The development is within immediate proximity to the existing development along Stage Road and continues to cluster structures within the rural service center boundaries.

The applicant has proposed colors and materials that are compatible with the environment and not intrusive to the surrounding area. The requirement for story poles is on a case-by-case basis, based on the project's unique and specific characteristics. For the aforementioned reasons, staff determined that it was not necessary for story poles to be erected, nor were they requested by other reviewing agencies or the Planning Commission.

## **APPEAL EXHIBIT E**

Letter, January 11, 2011

Kathleen Armstrong, San Gregorio

### **E-1.**

*A wet weather percolation test should be conducted to determine the year round feasibility of conforming drainage for the development. The area in question is close to San Gregorio Creek watershed and runoff from this area could pose a threat through coliform bacteria affecting protected steelhead (Coho Salmon) and other native, protected species and presenting a significant health risk to the lagoon and San Gregorio Beach.*

As mentioned in response to issues B-4 and B-6, both dry and wet weather percolation testing was performed and was found to be adequate to support a septic system. As part of staff's environmental assessment of the project's impact, the development and associated septic systems are a substantial distance from any Coho Salmon habitats located within the San Gregorio creek. Further, contamination or coliform is mitigated by the permitting standards set forth by the Environmental Health Department to eliminate any impact to public health, as well as sensitive habitats.

### **E-2.**

*The area in question has no natural outlet for surface drainage. Adequate drainage needs to be addressed as surrounding properties may experience flooding and consequent damage to wells or property from the proposed development.*

As discussed under response B-8, the applicant is required to demonstrate how on-site drainage as a result of the construction of impermeable surfaces will be contained on the project site.

### **E-3.**

*Historical records and research would provide you with documentation to support the fact that these issues have been addressed previously. The case, I believe, is Bell vs. Packard. Effluent was coming from a business located on the proposed development site.*

While staff has not been able to find evidence of said information, ultimately the Environmental Health Department responds to issues related to septic systems, which also reviews and permits new systems that adhere to standards that do not impact the surrounding area.

**E-4.**

*While pre-existing structures in this area may be entitled to mitigation processes regarding effluent and septic tank enlargement, a new development should be scrutinized with attention to the possible consequences on the contiguous properties and conditions should be placed on the size, location and capacity in order to avoid serious environmental encroachments.*

As mentioned in response to issue B-4, any new system must comply with the County's current Septic System Ordinance. Those regulations require that all new drain fields must address the level of groundwater in the immediate area where the septic system is proposed. The new systems proposed for the proposed development will adhere to such regulations, and will not have the same effects the current system potentially experiences seasonally. Also, the proposed systems will not impact the existing septic system nor affect its capacity.

**E-5.**

*Ground water withdrawals for any new wells supplying water to this development could pose a negative effect on the in stream flows during low flow and dry periods in the San Gregorio watershed.*

See the previous discussion under A-22 regarding groundwater rights.

**E-6.**

*As evidenced by the problems with effluent in the Redwood Terrace area and other areas of the San Gregorio Creek, there exist many substandard septic systems, which pose an ongoing threat to not only the environment but also communities in the watershed.*

See response to issue E-4 above.

**APPEAL EXHIBIT F**

Email, February 19, 2011

Shauna McKenna

**F-1.**

*There is not adequate on site parking for the existing C-1 business and the proposed addition of 2 more homes on that parcel #1 needs further investigation. Their business often adds an impact to the surrounding homes on Stage Rd. and Highway 84 on the weekends.*

The author raised the same concern under issue A-4. Please refer to that response.

**F-2.**

*The current parking for the C-1 business is public right of way and should be reviewed further.*

See response to issue A-4 above.

**F-3.**

*There are numerous car and motorcycle accidents at the corner of Stage Rd. and Highway 84, where this business is located. The addition of 4 new homes surrounding this same corner are only going to add to the traffic and accident rate, which is putting visitors lives and our rural community at risk.*

The proposed two residential units are expected to generate negligible traffic impacts to the surrounding area. According the Department of Public Works, seven accidents have been report since 2004 on Stage Road, of which only two were at the intersection of Stage Road and Highway 84.

**F-4.**

*The increase in traffic is also putting endangered species, located at this property at risk.*

See response to issue A-14 above.

**F-5.**

*During the winter months, there is a pool of water that does not drain in front of the post office, which is attached to the General Store. This water quite often extends into highway 84 and Stage Road with no drainage system in place.*

See response to issue B-8 above.

**F-6.**

*This project will double the residential population of San Gregorio and any parking and traffic impacts and mitigation needs to be reviewed very carefully.*

As previously mentioned, all parking for the new development will be provided off-street. Parking for the General Store is found to be with conformance with the San Mateo County Zoning Regulations. See staff's response to Question A-4 above.

**F-7.**

*Since two of these four proposed parcels are zoned agricultural, there needs to be consideration of farm equipment, livestock, etc. on this highway and how it may impact the community in terms of safety.*

Only half of the existing parcel is zoned for agricultural (which is proposed to become one single parcel). Agricultural related equipment within the vicinity has been considered to be a negligible impact, given that the San Gregorio Rural Service Center is surrounded by agricultural uses.

**B. REGULATORY COMPLIANCE**

**1. Compliance with the General Plan**

Staff has determined that the project complies with all applicable General Plan Policies, with specific discussion of the following:

Chapter 1 - Vegetative, Water and Wildlife Resources. Policy 1.24 (*Protect Vegetative Resources*) requires the minimization of vegetation removal and projects must protect vegetation which enhances microclimates, stabilizes slopes or reduces surface water runoff, erosion or sedimentation. As proposed, the development aspect of the project will result in minimal vegetation removal, only that of ground covering where the proposed grading will occur. The proposed residential structures are not located on steep hillsides or placed in areas where slope stability will be compromised. As conditioned, the development aspects of this project minimize surface water runoff. The subdivision of the existing parcel will have no effect on vegetative, water, and wildlife resources.

Chapter 2 - Soils Resources. Policies 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) and 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*) regulate the location and design of development to most protect productive soil resources and prevent soil erosion and sedimentation.

Subdivision of the subject parcel as proposed in the tentative map does not impact soil resources of the surrounding areas.

The proposed residential project site is located on a gentle hillside with an average 9% slope. The area is mostly clear of native vegetation with only a garden and other plants from the neighboring residence. To prepare the site for the residential development, approximately 630 cubic yards of grading will occur. No soil will leave the site, as the amount of cut volume matches that of the fill volume. The design will attempt to minimize the amount of disturbed soil, but is also designed to conform to County standards for a driveway. Staff has included a condition, which requires the implementation of an erosion control plan subject to approval prior to the start of any grading activities. As conditioned, the project will adhere to the aforementioned relevant policies.

Chapter 4 - Visual Quality. Policy 4.21 (*Scenic Corridors*), Policy 4.46 (*Regulation of Development in Scenic Corridors*), and Policy 4.47 (*Topography and Vegetation*) call for development to conform to the natural topography and blend, rather than conflict, with the natural landscape. Given the site topography, most of the proposed development will be difficult to view from Cabrillo Highway due to the angle of viewing and existing vegetation. The development is also clustered with other structures as part of the San Gregorio rural service center. Therefore, the visual impacts are nominal.

Policy 4.33 (*Rural Service Centers Design Concept*) requires proposed development be compatible with the established architectural character, design standards and character of the surrounding natural environment. The proposed development's design is compatible with existing structures, and will implement natural/earth toned color schemes.

Chapter 9 - Rural Land Use. Policy 9.14 (*Development Standards for Rural Service Centers*), calls for evaluation of development to determine potential various impacts, compatibility with existing development, and the need for the proposed development in the community. The proposed development will yield minimal impact due to the existing land uses of the area. The area in which the two residential structures are to be located is not used for agricultural, timber or recreational uses. The proposed development will provide the community with additional housing in the rural service center.

## 2. Conformance with Local Coastal Program

A review of the Department of Fish and Game Natural Diversity database indicates that no sensitive plant or animal species have been identified on the project site. However, there are two policies within the Location and Planning New Development Component and four policies within the Visual Resources Component that apply to this project.

a. Locating and Planning New Development Component

Policy 1.12 (*Land Uses and Development Densities in Rural Service Centers*) requires the infilling and use of existing rural service centers to provide commercial facilities which support agricultural and recreation, as well as meet the housing needs that are created by local employment. The proposed development adheres to this policy by being located within the San Gregorio rural service center, which would provide housing for residents who may work locally as indicated by the applicant. For land designated as neighborhood commercial, no maximum density permitted is indicated, therefore, density limitation is specified by and applicable the C-1 Zoning District and S-7 Combining District.

Policy 1.18 (*Location of New Development*) encourages the location of new development in a manner that discourages urban sprawl, utilize existing public infrastructure/facilities, and protects and enhances the natural environment. Given that the proposed residential units will be adjacent to the existing development within the rural service center, the proposed location of the development will adhere to these objectives. Further, the policy encourages infill development, an objective this proposal also meets.

b. Sensitive Habitats Component

A small portion of the subject parcel's east boundary is within a riparian buffer zone for a creek which runs adjacent to and on the opposite side of Stage Road. Policies 7.12 (*Permitted Uses in Buffer Zones*) and 7.13 (*Performance Standards in Buffer Zones*) limit the use and location of development within a parcel where a riparian buffer zone has been identified by allowing development 20 feet from the limit of riparian vegetation. The proposed development of the two residential units will occur outside of the designated buffer zone, and a distance of 50 feet. Given the topography of the subject site, the location selected involves the least amount of grading to be performed. Vegetation removal is limited to existing ground cover grass as part of the grading and site preparation. Stage Road creates an additional buffer from the development, thereby reducing effects from the proposed development.

c. Visual Resources Compliance

Policy 8.5 (*Location of Development*), Policy 8.18 (*Development Design*), and Policy 8.19 (*Colors and Materials*) require the location of new development to be located so as to be least impactful to scenic corridors and public view points, and to be subordinate to the environment by blending into the natural environment through screening and use of natural, non-reflecting colors and materials. As discussed earlier in Section B-1, the site is situated within the Cabrillo Highway State Scenic Corridor and will have a minimal visual impact due to the topography and vegetation from viewpoints along Cabrillo Highway. The applicant has proposed colors and materials, which are compatible and blend with the natural environment. The proposed colors and materials, as illustrated in Attachment J, will be "sussex green" for trim materials, "sandy hook gray" for vertical siding, and an asphalt composite shingles roof material.

Policy 8.13c (*Special Design Guidelines for Coastal Communities- San Gregorio*) encourages new building to incorporate traditional design features found in the area. The design of the proposed residential units (see Attachment G for elevations) features clean, simple lines and pitched roofs in a style that is compatible with the surrounding area. Policy 8.22 (*Utilities in State Scenic Corridors*) requires that new utilities be installed underground, and the project is subject to such as a condition of approval.

3. Compliance with Zoning Regulations

As discussed earlier in Section B.2, the subject parcel presently lies within two zoning districts. Approximately one half is within the Planned Agricultural District (PAD), and the other half is zoned Neighborhood Business District (C-1). The proposed subdivision of the existing parcel will result in a total of four new parcels. The portion of the property that is located within the C-1 Zoning District will be split into three parcels, with the remaining PAD zoned portion to become a single parcel. The proposed subdivision will result in each parcel having a single zoning designation following the existing zoning delineation line to remain unaltered (see Attachment C).

The proposed subdivision, which separates the PAD zoned area, is in compliance to applicable PAD Zoning District regulations. No division of land or additional parcels are being created within this area, nor is the PAD zoned portion being reduced. At the moment, no commercial agricultural operations are occurring within the PAD zoned portion, and the applicant is not proposing any changes or additional development within the PAD zoned portion. Staff concludes that the proposed subdivision will not have a detrimental effect on the parcel nor make the PAD portion non-viable for future agricultural uses.

#### Compliance with C-1/S-7 Zoning Regulations

The two proposed residential units and detached garage will be located on proposed Parcel 1. The C-1/S-7 Zoning District requirements and compliance of the proposed buildings with those requirements are listed below:

Development	Required	Proposed	Comply
<b>Setbacks (ft.)</b>			
Front	20	30	Yes
Sides	5	30	
Rear	20	364	
Height (ft.)	36	24.5	Yes
Max Lot Coverage	50%	4%	Yes

As shown by the table, the proposed development will comply with the zoning requirements of the S-7 combining district. This combining district allows a minimum lot area of 5,000 sq. ft. per dwelling unit, which equates to 8.7 dwelling units per acre (du/ac). Development for the two residential units on proposed Parcel 1 will result in 0.69 du/ac. The proposed residential uses are allowed within the C-1 Zoning District subject to the issuance of a Use Permit, discussed in Section A.5 below.

#### 4. Compliance with County Subdivision Regulations

##### a. Necessary Findings for Approval

The proposed minor subdivision has been reviewed against the regulations of both the Subdivision Map Act and the San Mateo County Subdivision Regulations. The proposed parcels would meet the minimum subdivision design requirements as stipulated by Section 7020 of the Subdivision Regulations. Additionally, the Department of Public Works, Cal-Fire, Environmental Health Department, and the Building Inspection Section have also reviewed the project and found that it complies, as proposed and conditioned, with their respective standards.

In order to approve the subdivision, the Planning Commission must make the following findings as stipulated by Section 7013.3.b of the San Mateo County Subdivision Regulations. Each finding is listed below followed by staff's response.

- (1) **That the proposed map, along with the provisions for its design and improvement, is consistent with the San Mateo County General Plan.**

The Department of Public Works and Current Planning Section staff have reviewed the tentative map and found it complies, as conditioned in Attachment A of this report, with State and County land division regulations. The project is consistent with the County General Plan as discussed in Section B.1 of this report.

The applicant shall provide for an on-site septic system, well water, and electric service for the new parcels. As conditioned, utility lines will be run underground to each of the parcels. Water will serve the parcels by two existing wells and two water tanks. One well and water tank are located on proposed parcel 1, which will serve proposed parcel 1 (where the proposed two residential units are to be located) and proposed parcel 2 (where the existing General Store and residential homes are located). The second well is located on the PAD zoned area which will result into proposed parcel 3. This well will serve the existing development on this parcel, as well as any future use on proposed parcel 4. The Environmental Health Department has reviewed the proposal and has deemed the existing wells adequate for the proposed subdivision. A septic system is proposed to serve the two residential units on proposed parcel 1 which meets with the requirements of the Environmental Health Department.

- (2) **That the site is physically suitable for the proposed type of development.**

All four proposed parcels are physically suited for development, subject to the requirements of their respective zoning districts, for the following reasons: (1) the proposed parcels conform to the minimum building site and lot width requirements of the PAD and C-1/S-7 Zoning Districts, (2) water and sanitary services are/can be provided subject to the appropriate Environmental Health approval, and (3) each parcel can be accessed from a public road with the proposed configuration.

- (3) **That the site is physically suitable for the proposed density of development.**

The proposed parcels are relatively flat in the areas adjacent to the public roads and capable of being served by water, sewer and other necessary utilities. The subdivision would allow for a maximum density of 0.69 dwelling units per acre. Parcels located within the C-1 (Neighborhood Commercial) Zoning District are not subject to density limitation, and development within parcels in the Planned Agricultural District (PAD) are subject to a density analysis. Because of its size, the PAD portion area is only eligible for one density credit, and will continue as such as its own separate parcel.

- (4) **That the design of the subdivision or the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife in their habitat.**

There is no evidence to suggest that the project will create a public health problem or cause substantial environmental damage as conditioned. The design of the subdivision and the proposed improvements will not substantially and avoidably injure fish or wildlife or their habitat. Planning staff has included conditions of approval in Attachment A to require that the project minimize the transport and discharge of pollutants from the project site into local storm drain systems and water bodies by adhering to the San Mateo Countywide Stormwater Pollution Prevention Program and General Construction and Site Supervision Guidelines.

#### Service to Proposed Parcels

The proposed subdivision will be served by well water and sewer systems which have adequate capacity to serve this project. Review of the project by affected agencies, including the Environmental Health Department, yielded no objections.

#### Other Environmental Impacts

As conditioned, construction of required improvements and future residences will have minimal environmental impact to the surrounding area. The site is not located adjacent to identified sensitive habitats or watershed areas.

- (5) **That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

There are no existing public easements on the subject properties.

- (6) That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code.

Subject to approval and conditions from the Environmental Health Department, the proposed development on Parcel 1 will utilize a proposed septic sewer system. Existing development on Parcel 2 will utilize an existing septic sewer system located on that site. Future development on Parcels 3 and 4 will utilize proposed septic systems on those parcels. It has been demonstrated that all proposed parcels are capable of sustaining their own septic system without any impacts to other systems in the surrounding area. The Environmental Health Department is recommending approval of this proposal.

- (7) That the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (The Williamson Act).

As of December 16, 2008, the subject property is not under a Williamson Act contract. The subject parcel was under a Williamson Act contract (AP67-53), which has expired as a result of a Non-Renewal request (PLN 1999-00713) filed September 10, 1999.

b. Compliance with In-Lieu Park Fees

Section 7055.3 of the County Subdivision Regulations requires that, as a condition of approval of the tentative map, the subdivider must dedicate land for a public park or pay an in-lieu fee. Said fee is for the purpose of acquiring, developing or rehabilitating County park and recreation facilities and/or assisting other providers of park and recreation facilities in acquiring, developing or rehabilitating facilities that will serve the proposed subdivision. The section further defines the formula for calculating this fee. The fee for this subdivision is \$460.45 for in-lieu park fees. Fees are based on the current land value provided by the County Assessor's Office and are subject to change. This fee will be recalculated at the time of payment, based upon the assessed land value at that time. A worksheet showing the prescribed calculation appears as Attachment E.

5. Conformance with Use Permit Findings

Under the provisions of Section 6500, residential uses are permitted in the C-1 (Neighborhood Commercial) Zoning District subject to the issuance of a use permit. The following findings are required for the issuance of this permit:

- a. **Find that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

Staff has reviewed the project file and conducted a site inspection, and finds that the project, as proposed, will not be detrimental to the public welfare or injurious to the property or improvements in said neighborhood. Other residential uses are in the immediate vicinity of the subject site. There is little to no historical demand for additional neighborhood commercial use in the community of San Gregorio. Conversion of the C-1 zoned land on Parcel 1 to a residential use will not significantly diminish commercial opportunities in San Gregorio. There is additional C-1 zoned land directly to the south of the project parcel, and on the other side of La Honda Road.

- b. **Find that the use is necessary for the public health, safety, convenience, or welfare.**

The proposed residential development on Parcel 1 will provide additional housing for individuals who work in the area, contributing to overall housing options in the rural service area.

6. Architectural Review: Conformance with State Scenic Corridor Provisions

Under the provisions of the Streets and Highway Code of the State of California, all projects in the State Scenic Corridor are required to come before the Planning Commission for review. As discussed in Section B.1, Conformance with the General Plan, General Plan Policy 4.21 (*Scenic Corridors*) governs the Architectural Review portion of the proposed project. This policy discusses reducing the adverse visual quality of development and managing the appearance of development in scenic corridors. As mentioned earlier, a majority of the proposed development will be difficult to view from Cabrillo Highway due to the angle of viewing from Highway 1 and existing intervening vegetation. The applicant is proposing to use earth-toned colors and materials for the proposed residences to further reduce their visibility. Staff has concluded there will not be a significant visual impact associated with the approval of this project.

7. Grading Regulations

The proposed project requires approximately 315 cubic yards of excavation and 315 cubic yards of fill in order to prepare the site for the development of the two residences and detached garage. Staff has reviewed the proposal against the required findings for a grading permit and concluded that the project conforms to the criteria for review contained in the Grading Ordinance. In order to approve this project, the Planning Commission must make the required findings contained in the grading regulations. The findings and supporting evidence are outlined below:

- a. **That the project will not have a significant adverse effect on the environment.**

The proposed residential structures and detached garage have been sited and designed in a manner that will minimize vegetation removal and grading. All disturbed soil will remain on-site, with no export proposed. As conditioned, the project will not have a significant impact on the environment, and vegetation removal will be minimal. A landscaping plan is included as a condition of approval.

- b. **That the project conforms to the criteria of the San Mateo County Grading Ordinance and is consistent with the General Plan.**

The project, as conditioned, conforms to the criteria for review contained in the Grading Ordinance, including an erosion and sediment control plan, and required replacement of removed trees and vegetation. As outlined earlier in Section B.1 of this report, the project conforms to the General Plan.

C. ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration were issued with a public review period between August 30, 2010 and September 20, 2010. No comments were received during the public review period.

D. OTHER REVIEWING AGENCIES

Referring Agency	Approve	Conditions of Approval
Building Inspection Section	Yes	See Attachment A
Department of Public Works	Yes	See Attachment A
Cal-Fire	Yes	See Attachment A
Environmental Health	Yes	See Attachment A
California Coastal Commission	No Response	

County Counsel has reviewed and approved the materials as to form and content.

Approval of the Minor Subdivision, Use Permit, Grading Permit, Coastal Development Permit, Architectural Review Permit, and certification of a Mitigated Negative Declaration contributes to the Shared Vision 2025 of a Livable Community because it is consistent with the County's Land Use Regulations, including the General Plan, Local Coastal Program and Zoning Regulations.

Approval by the Board of Supervisors would result in property tax revenue increase with the tax being assessed on future residential construction.

### **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Tentative Map
- D. Site Area
- E. Residence 1 Floor Plan
- F. Residence 1 Floor Plan and Elevations
- G. Residence 1 and Elevations
- H. Residence 2 Elevations
- I. Garage Floor Plan and Elevations
- J. Color Sample
- K. Prime Soils Map
- L. Scenic Corridor Map
- M. Well and Septic Percolation Test Locations
- N. In-Lieu Park Fees Worksheet
- O. Appeal Application Packet and Exhibits
- P. Initial Study and Mitigated Negative Declaration
- Q. Planning Commission Letter of Decision, dated November 2, 2010

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 2009-00112

Board Meeting Date: April 26, 2011

Prepared By: James A. Castañeda, AICP

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS:**

Regarding the Environmental Review, Find:

1. That the Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines. An Initial Study was completed and a Negative Declaration issued in conformance with CEQA guidelines. The public review period for this document was August 30, 2010 to September 20, 2010.
2. That, on the basis of the Initial Study and comments received thereto, no substantial evidence exists that the project, if subject to the mitigation measures contained in the Negative Declaration, will have a significant effect on the environment. The four (4) mitigation measures contained in the Negative Declaration adequately mitigate any potential significant effect on the environment.
3. That the mitigation measures identified in the Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into a Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6. The applicant has agreed to comply with the four (4) mitigation measures contained in the Negative Declaration.
4. That the Negative Declaration reflects the independent judgment of the San Mateo County Planning Commission.

For the Coastal Development Permit, Find:

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. As conditioned, the project will not present a negligible visual impact to the surrounding area.

6. That the project conforms to the specific findings required by the applicable policies of the San Mateo County Local Coastal Program. The Planning Commission finds that the proposed project as conditioned will be consistent with policies pertaining to visual impacts as the improvements and additions will be designed to be in scale with the character of their setting and blend rather than dominate or distract from the overall view of the area.

Regarding the Minor Subdivision, Find:

7. The proposed map is consistent with applicable general and specific plans. The subdivision will create four parcels consistent with the use and density stipulated by the General Plan.
8. The site is physically suitable for residential development. The four proposed parcels are of sufficient size and shape to support the allowed uses within their respective zoning districts without any major landform alternation.
9. The site is physically suitable for the proposed density of development. The subdivision would allow for a maximum density of 0.69 dwelling units per acre. Parcels located within the C-1 (Neighborhood Commercial) Zoning District are not subject to density limitation, and development within parcels in the Planned Agricultural District (PAD) are subject to a density analysis.
10. The design of the subdivision or the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife in their habitat. Very few improvements are required for the subdivision and there is no evidence to suggest that they will cause serious health problems or pose a significant threat to the environment as there will be minimal transport and discharge of pollutants from the project site into the local storm drain system in accordance to the San Mateo Countywide Stormwater Pollution Prevention Program and General Construction and Site Supervision Guidelines.
11. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision as no easements exists on any of the proposed parcels.
12. The discharge of waste from the proposed subdivision into a proposed septic system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. The applicant has proposed a septic sewer system and it has been determined by Environmental Health to be acceptable to accommodate the development.

13. The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (The Williamson Act). The property is not subject to any Williamson Act contracts.

Regarding the Use Permit, Find:

14. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Residential development within the C-1 zoned parcel will not significantly diminish commercial opportunities within the rural service center.
15. That the use is necessary for the public health, safety, convenience, or welfare by providing additional housing for individuals who work in the area, contributing to overall housing options in the rural service area.

Regarding the Architectural Review, Find:

16. That the proposed project is in compliance with the architectural design standards for the Cabrillo State Scenic Corridor. The proposed development will not create a significant visual impact upon completion of construction and implementation of all project conditions. The existing topography and vegetation will screen the proposed development, as well as the use of earth-tone colors and materials to be used on the development.

Regarding the Grading Permit, Find:

17. That this project will not have a significant adverse effect on the environment. The project has been reviewed by Planning staff and the Department of Public Works, which find the project can be completed without significant harm to the environment. In addition, the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 8605. The project, as conditioned, conforms to the criteria for review contained in the Grading Ordinance, including an erosion and sediment control plan. This project is also consistent with the General Plan as discussed in the staff report.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. The approval applies only to the proposal, documents and plans as described in this report and materials approved by the Board of Supervisors on March 29, 2011. The Community Development Director may approve minor revisions or modifications to the project if they are consistent with the intent of and in substantial conformance with this approval.

2. This subdivision approval is valid for two years, during which time a final parcel map shall be filed and recorded. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning Department upon written request and payment of any applicable extension fees if required.
3. If after two (2) years from the date of approval, the applicant has not obtained all other necessary permits and made substantial progress toward completing the proposed project, the Coastal Development Permit, Use Permit, Architectural Review Permit, and Grading Permit will expire.
4. The parcel map shall be recorded pursuant to the plans approved by the Board of Supervisors; any deviation from the approved plans shall be reviewed and approved by the Community Development Director, as deemed necessary.
5. All aspects of the proposed grading shall comply with the performance standards, as detailed in the Grading Permit Performance Standards Handbook, during all stages of development.
6. A Grading Permit Hard Card shall be issued prior to the beginning of grading activities. The applicant shall obtain a building permit for the proposed retaining walls and shall comply with all applicable requirements of the Building Inspection Section.
7. Prior to the issuance of the building permit or grading permit hard card, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
  - a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
  - b. Minimize the area of bare soil exposed at one time (phased grading).
  - c. Clear only areas essential for construction.

- d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
  - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
  - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
  - g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
  - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions.
  - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
  - j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
  - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
  - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5-acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
8. The applicant shall submit an erosion and sediment control plan for the proposed utility and access improvements for Planning staff review and approval prior to installation of said utilities/improvements. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.
9. Prior to recordation of the final parcel map, the applicant shall pay In-Lieu Park Fees to the San Mateo County Planning and Building Department pursuant to Section 7055.3 of the Subdivision Regulations. The current amount is \$460.45, but shall be calculated at time of recordation using the most recent assessed value of the parcel as required by Section 7055.3 of the Subdivision Regulations.

10. All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment and shall otherwise be subject to the limits imposed by the San Mateo County Ordinance Code, Chapter 4.88.
11. Unless approved, in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion. The applicant shall submit a letter to the Current Planning Section, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin.
12. No grading activities shall commence until the applicant has been issued a grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) by the Current Planning Section.
13. For the final approval of the grading permit, the applicant shall ensure the performance of the following activities within thirty (30) days of the completion of grading:
  - a. The engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval/mitigation measures, and the Grading Ordinance, to the Current Planning Section and the Geotechnical Section.
  - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and Current Planning Section.
14. Prior to the issuance of the Grading Permit Hard Card, the applicant shall submit a final soils report for the review and approval of the Geotechnical Section.
15. The applicant shall submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms at the time of each respectively submitted project application. The required drainage plan shall show, in all respective cases, the mechanisms necessary to contain all water runoff generated by on-site impervious surfaces, and to reduce the amount of off site runoff through the use of on-site percolation facilities. The drainage plan shall also include facilities to minimize the amount of pollutants in stormwater runoff through on-site retention and filtering facilities. The on-site drainage plan shall be submitted to the Current Planning Section for review and approval by the Community Development Director prior to the issuance of a grading permit hard card.

16. Should cultural resources be encountered during site work, all work shall immediately be halted in the area of discovery and the applicant shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the applicant. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
17. The applicant shall obtain applicable approved permits to legalize the barn for residential use prior to the recordation of the final map. If the County is unable to approve the use of the barn as either farm labor housing or affordable housing, then the applicant will have to demolish the unpermitted alterations and restore its use as a non-habitable building prior to recordation of the final map.
18. Should cultural recourse be encountered during site work, the applicant shall halt all activities, contact the Community Development Director, and retain a qualified archeologist for recording, protecting, and/or curating any discovery, as appropriate.
19. All utilities shall be placed underground.
20. Prior to receiving a Planning Final sign off for the required building permits, colors and materials will need to be verified and shall match those submitted as part of this application (Attachment J).
21. The applicant shall submit a landscape plan for approval by the Community Development Director. The goal is to soften the proposed residences and garage as seen from public roads. The plan shall include native trees and shrubs compatible with the coastal area.

#### Building Inspection Section

22. Building permits shall be applied for and obtained from the Building Inspection Section for any future construction on the parcels created as a result of the filing of the final parcel map for this project.
23. 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.
24. Future residential development shall comply with the Green Building Ordinance.

25. This project must meet Chapter 7A Standards with respect to siding (Class-A Rated), roofing (Class-A Rated), venting, exterior doors (solid-core) and windows (tempered).

Department of Public Works

26. Prior to the issuance of the Building Permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
27. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
28. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
29. The applicant shall submit a driveway "Plan and Profile," to the Public Works Department, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
30. The applicant shall record documents which address future maintenance responsibilities of any private drainage and/or roadway facilities which may be constructed. Prior to recording these documents, they shall be submitted to the Public Works Department for review.
31. Any potable water system work required by the appropriate district within the County right-of-way shall not be commenced until County requirements for the issuance of an encroachment permit have been met. Plans for such work shall be reviewed by the Public Works Department prior to the issuance of the permit.
32. The applicant shall submit written certification from the appropriate energy and communication utilities to the Public Works Department and the Planning Department stating that they will provide energy and communication services to the proposed parcels of this subdivision.
33. At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of Section 8606.6 of the Grading Ordinance.

34. "As-Built" plans of all construction required by these conditions shall be prepared and signed by the subdivider's engineer upon completion of all work. The "As-Built" plans shall be accompanied by a written certification from the engineer that all private facilities have been completed in conformance with the approved plans.
35. The applicant shall submit a Parcel Map to the Department of Public Works for review and recording.

Cal-Fire

36. An approved Automatic Fire Sprinkler system meeting the requirements of NFPA-13D is required to be installed in your project. Plans shall include attached garages and detached garages at or above 1,000 square feet. Plans shall be designed by a licensed sprinkler system designer and submitted to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department. Building plans will not be reviewed until the required sprinkler plans are received by the County Building Department.
37. A statement that the building will be equipped and protected by automatic fire sprinklers must appear on the title page of the building plans.
38. 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.
39. A Site Plan showing all required components of the water system is required to be submitted with the building plans to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department for verification and approval. Plans shall show the location, elevation and size of required water storage tanks, the associated piping layout from the tank(s) to the building/structures, the size of and type of pipe, the depth of cover for the pipe, technical data sheets for all pipe/joints/valves/valve indicators, thrust block calculations/joint restraint, the location of the standpipe/hydrant and the location of any required pumps and their size and specifications.
40. 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 San Mateo County Building Department the San Mateo County Fire Department has determined that a minimum of 7,500 gallons of fire protection water will be required, in addition to the required domestic water storage. Fire protection water storage tanks shall be located a minimum of 50 feet from all buildings, or shall be of non-combustible construction. Plans showing the tank(s) type, size, location and elevation are to be submitted to the San Mateo County Fire Department for review and approval.

41. The water storage tank(s) shall be so located as to provide gravity flow to a standpipe/hydrant. Plans and specifications shall be submitted to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department.
42. A Wet Draft Hydrant with a 4-1/2" National Hose Thread outlet with a valve shall be mounted not less than two feet above ground level and within five feet of the main access road or driveway, and not less than 50 feet from any portion of any building, nor more than 150 feet from the main residence or building.
43. The standpipe/hydrant shall be capable of a minimum fire flow of 1,000 GPM.
44. 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.
45. 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 San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than four inches in height, and have a minimum 1/2-inch stroke.
46. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved, (galvanized), spark arrestor of a mesh with an opening no larger than 1/2-inch in size, or an approved spark arresting device.
47. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and cleaning 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. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within five feet of any portion of any building or structures.
48. Remove that dead or dying portion of any tree which extends over the roof line of any structure.
49. This project is located in a wild land urban interface area. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors, and underfloor protection to meet CBC Chapter 7A requirements. You can visit the Office of the State Marshal's website at [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland.php](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland.php) and click the new products link to view the "WUI Products Handbook." This condition to be met at the building permit phase of the project.

50. This condition will be part of the building plan submittal phase of the project. If there is limited access into your property by use of a gate, the San Mateo County Fire Department will require 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 San Mateo County Fire Marshal's Office at 650/573-3846.
51. Contact the San Mateo County Fire Marshal to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Please allow for a minimum of 72 hours notice to the Fire Department at 650/573-3846.
52. Fire Department access shall be to within 150 ft. of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be 20 ft. wide, all weather surface, and able to support a fire apparatus weighing 72,000 lbs. This access shall be provided from a publicly maintained road to the property. Grades over 15% shall be paved and no grade shall be over 20%. When gravel roads are used, it shall be class 2 base or equivalent compacted to 95%.
53. DRC Comments only, this is a preliminary review only. When this design is submitted for a BLD permit there may be more requirements according to the actual design being submitted and the current codes at time of building permit submittal. This review is neither permission nor approval for final plan check for a permit.
54. If development occurs on the other parcels, Fire Department access and water supply shall be provided at time of building plan submittal meeting the fire code at that time.

#### Environmental Health Department

55. The applicant shall produce a Covenant of Easement for proposed parcels 1 and 2 addressing ownership, maintenance and location of easements for shared well located to be utilized on proposed parcel 1. Covenant of Easement will also be required for proposed parcels 3 and 4 for the shared well on proposed parcel 3. These documents are to be recorded with County Records Office after recordation of the final map.



County of San Mateo - Planning and Building Department

# ATTACHMENT B

# ZONING



0 100 200 400 600 800 Feet

STAGE

PARCEL 1

PARCEL 3

PARCEL 2

PARCEL 4

PAD/CD

C-1/S-7

DR/CD

R-1/S-10

San Mateo County Board of Supervisors

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

Attachment: **B**

PLN 2009-00112 01-10-2011



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT C**

# San Mateo County Board of Supervisors

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

Attachment **C**

## Tentative Map

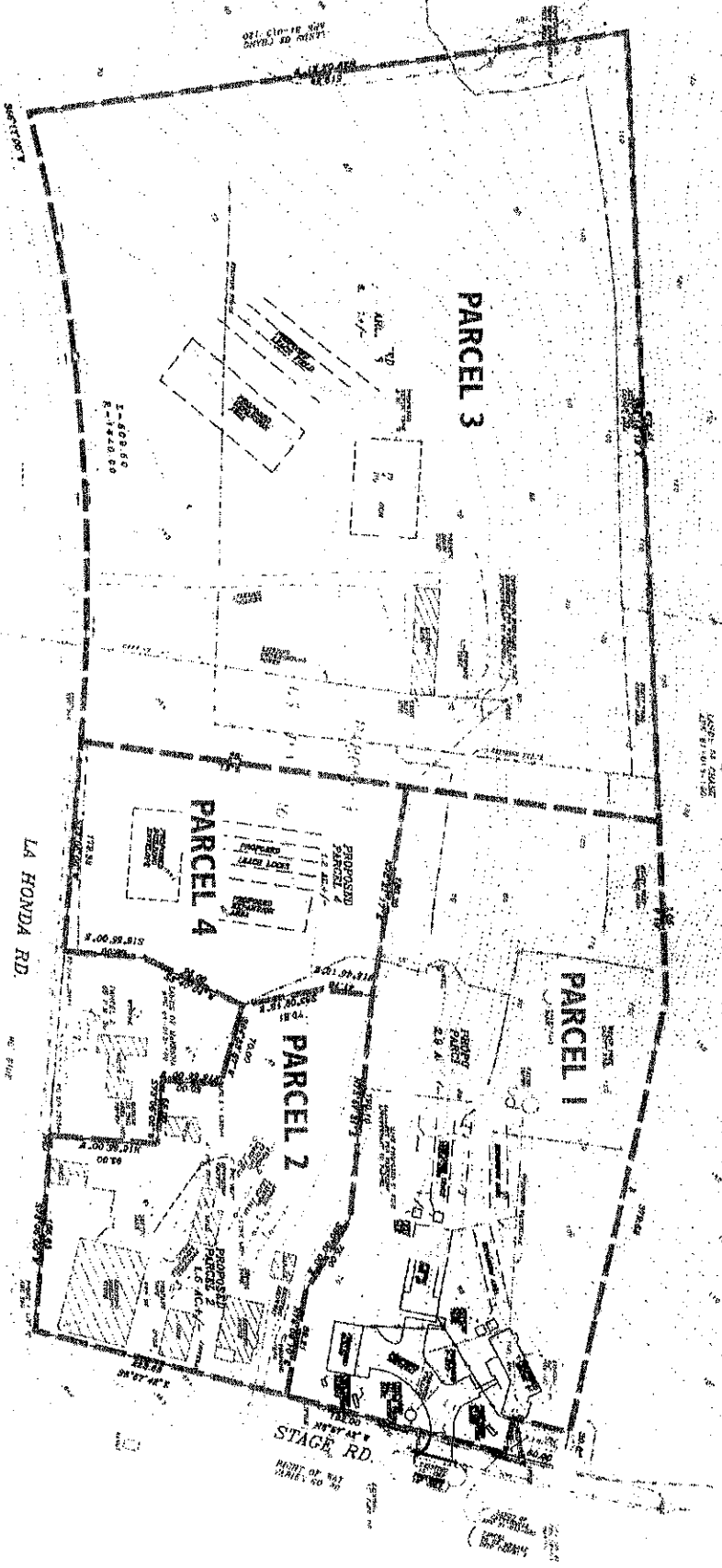
1. THE TENTATIVE MAP SHOWS THE PROPOSED LOTS, BLOCKS, AND TRACTS OF LAND.
2. THE TENTATIVE MAP SHOWS THE PROPOSED LOTS, BLOCKS, AND TRACTS OF LAND.
3. THE TENTATIVE MAP SHOWS THE PROPOSED LOTS, BLOCKS, AND TRACTS OF LAND.
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10. THE TENTATIVE MAP SHOWS THE PROPOSED LOTS, BLOCKS, AND TRACTS OF LAND.

LOCATION MAP

NOT TO SCALE



**TENTATIVE MAP**  
 PREPARED BY: [Name]  
 DATE: [Date]  
 FOR: [Purpose]  
 BY: [Name]  
 DATE: [Date]





**County of San Mateo - Planning and Building Department**

# **ATTACHMENT D**

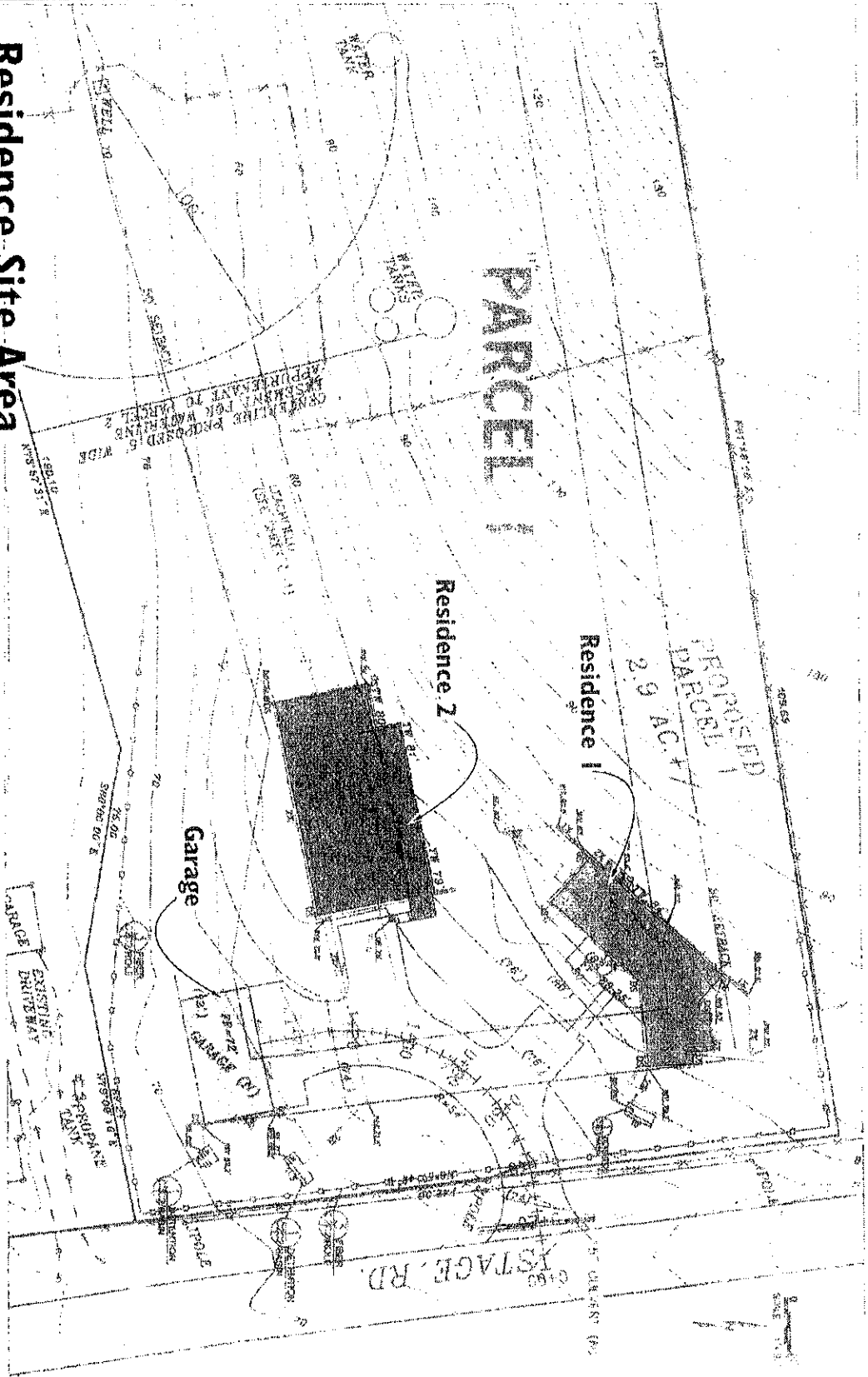
# Residence Site Area

San Mateo County Board of Supervisors

Owner/Applicant: Cattermole

File Numbers: PLN 2009-00112

Attachment D

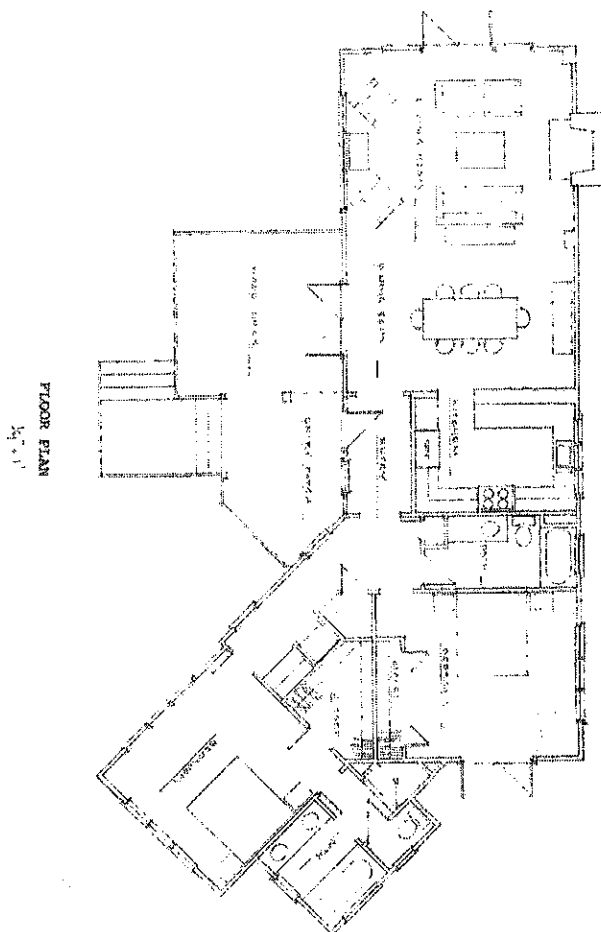




**County of San Mateo - Planning and Building Department**

# **ATTACHMENT E**

RESIDENCE #1  
A 1,800 square foot wood frame  
single family home with two  
bedrooms and two bathrooms.



## Residence 1 floor plan

**San Mateo County Board of Supervisors**

Owner/Applicant: **Cattermole**

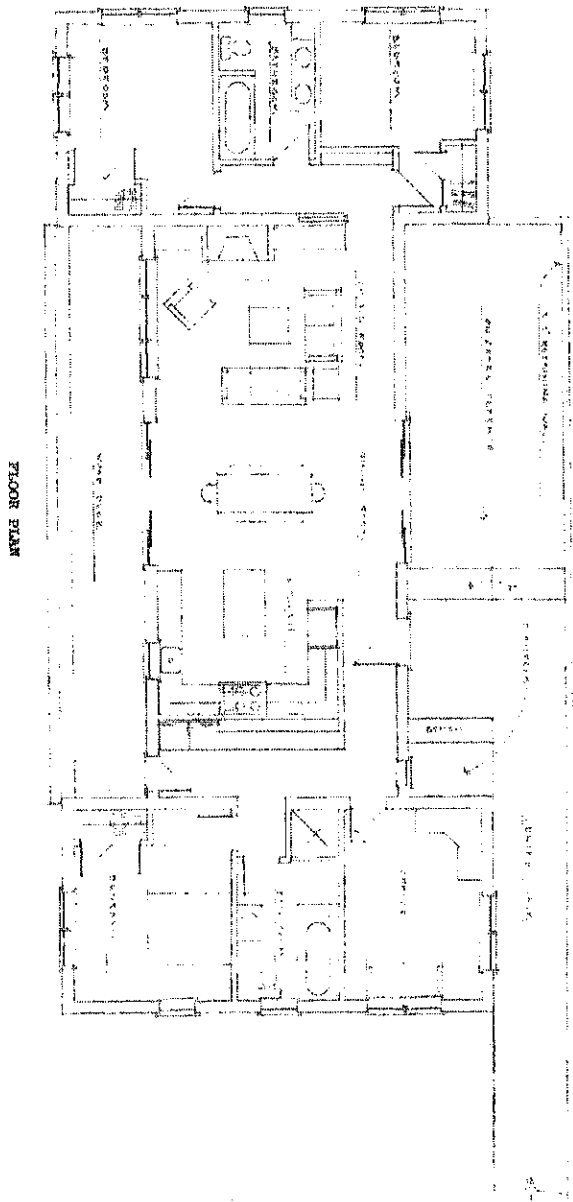
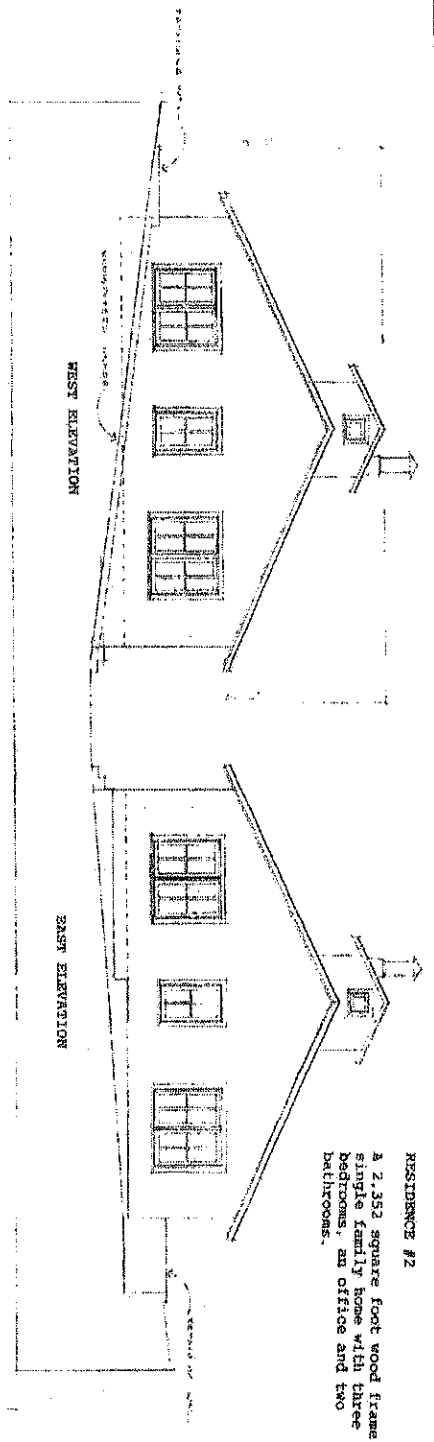
File Numbers: **PLN 2009-00112**

Attachment: **E**



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT F**



## Residence 2 floor plan & elevations

San Mateo County Board of Supervisors

Owner/Applicant: **Cattermole**

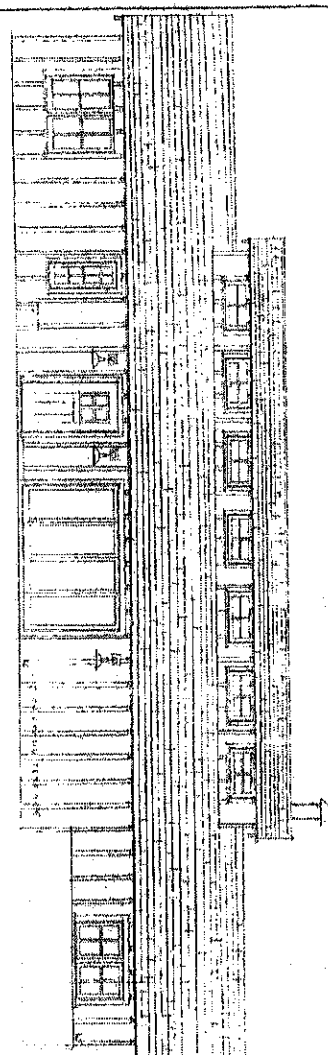
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Attachment **F**



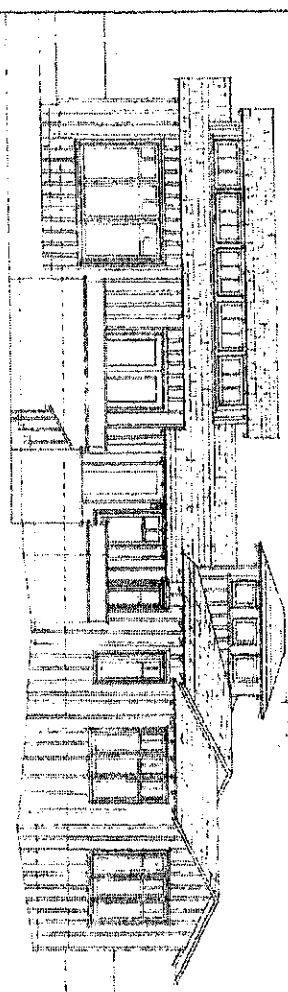
**County of San Mateo - Planning and Building Department**

# **ATTACHMENT G**



NORTH ELEVATION

RESIDENCE #2  
A 2,352 square foot wood frame single family home with three bedrooms, an office and two bathrooms.



SOUTH ELEVATION

RESIDENCE #1  
A 1,800 square foot wood frame single family home with two bedrooms and two bathrooms.

SOUTH ELEVATION

# Residence 1 & 2 elevations

San Mateo County Board of Supervisors

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

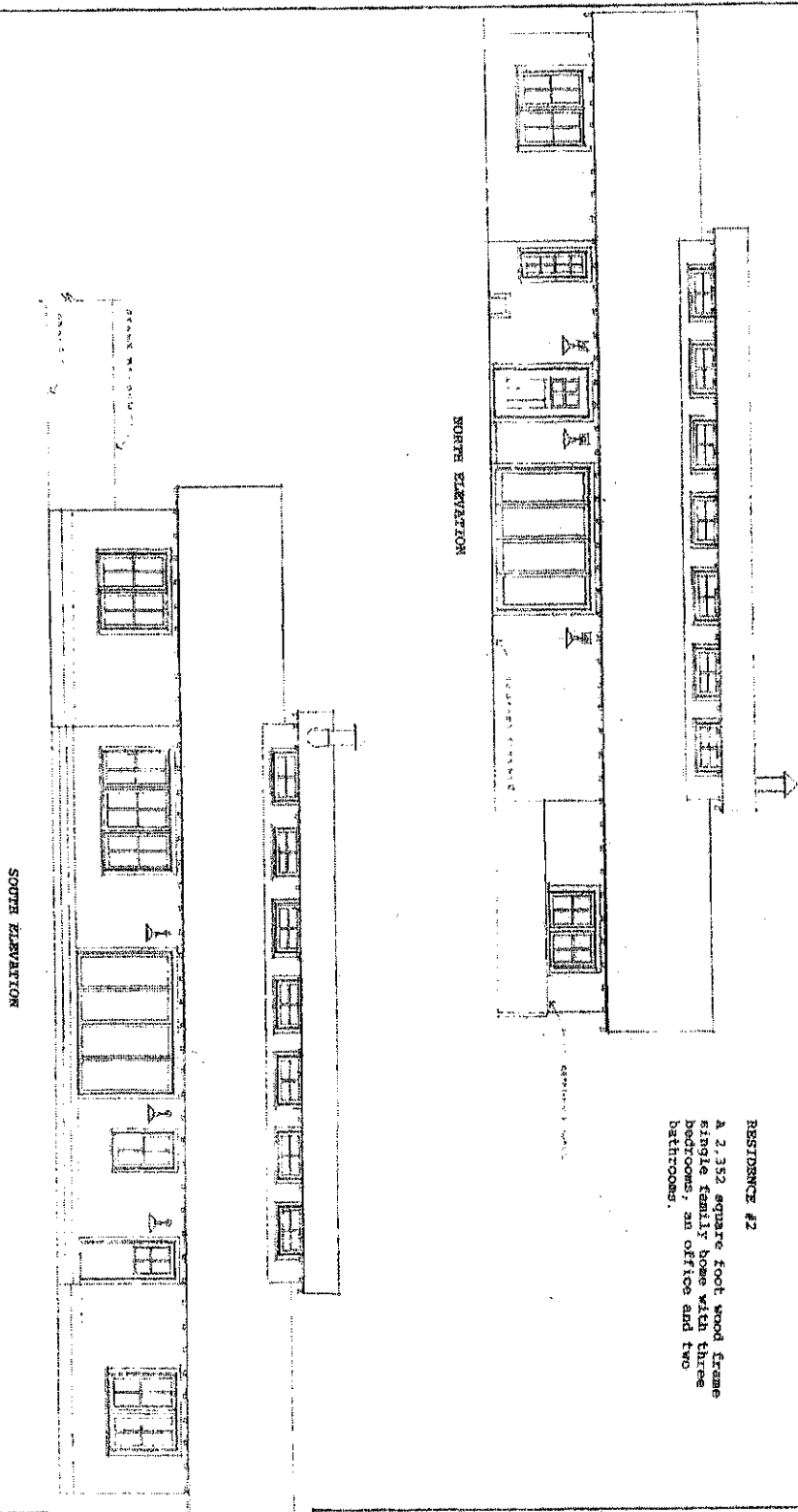
Attachment **G**



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT H**

RESIDENCE #2  
 A 2,352 square foot wood frame  
 single family home with three  
 bedrooms, an office and two  
 bathrooms.



## Residence 2 elevations

San Mateo County Board of Supervisors

Owner/Applicant **Cattermole**

File Numbers: **PLN 2009-00112**

Attachment **H**



**County of San Mateo - Planning and Building Department**

**ATTACHMENT I**

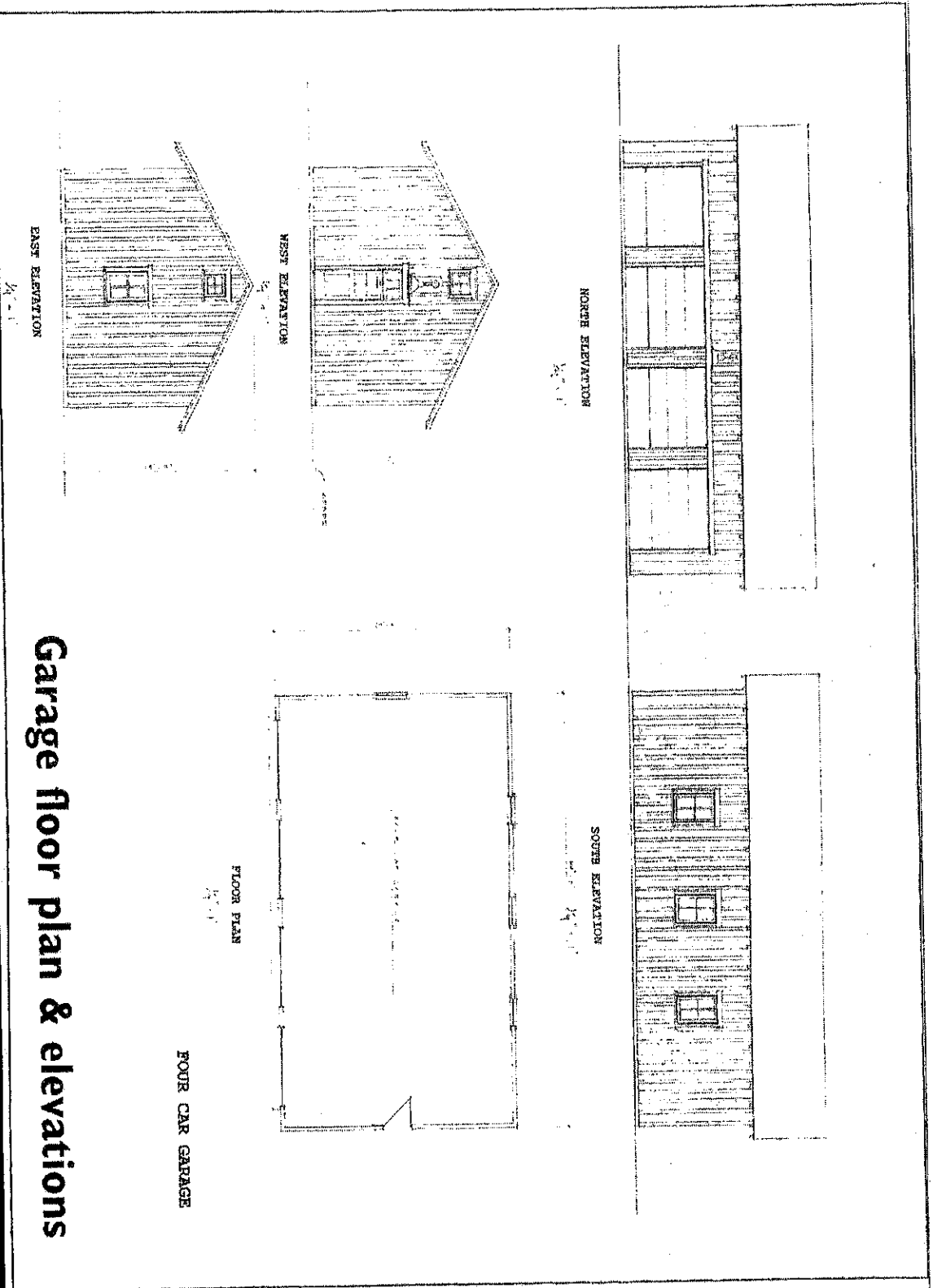
**San Mateo County Board of Supervisors**

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

Attachment: **1**

**Garage floor plan & elevations**



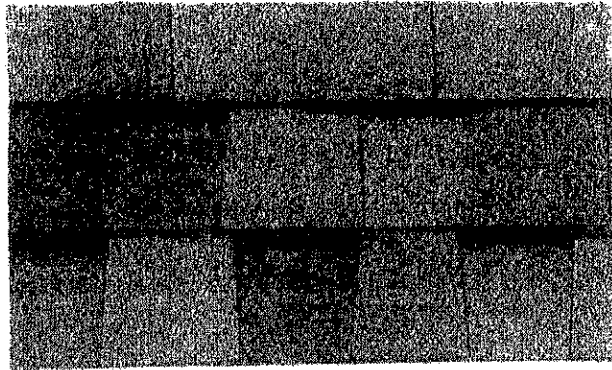


**County of San Mateo - Planning and Building Department**

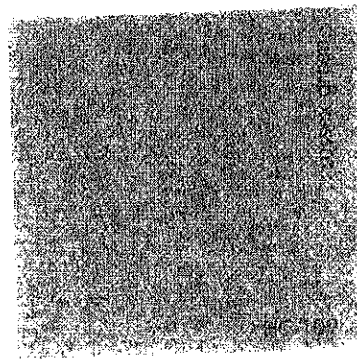
# **ATTACHMENT J**

RESIDENCES #1 and #2 and Garage

ROOFING: Asphalt composition shingles  
CertainTeed Weathered Wood



EXTERIOR TRIM: Painted CertainTeed Fiber Cement  
Benjamin Moore Sussex Green HC109



WINDOWS: Aluminum  
Color: Bronze

EXTERIOR WALLS: Painted CertainTeed Fiber Cement board and batten  
smooth vertical siding with vertical battens  
Benjamin Moore sandy hook gray HC108

COLOR PREVIEW HC

ENTRANCE DECK: Natural wood  
Redwood-Watco natural linseed oil finish

HC108 sandy hook gray

## San Mateo County Board of Supervisors

Applicant: **Cattermole**

Attachment: **J**

File Numbers: **PLN2009-00112**

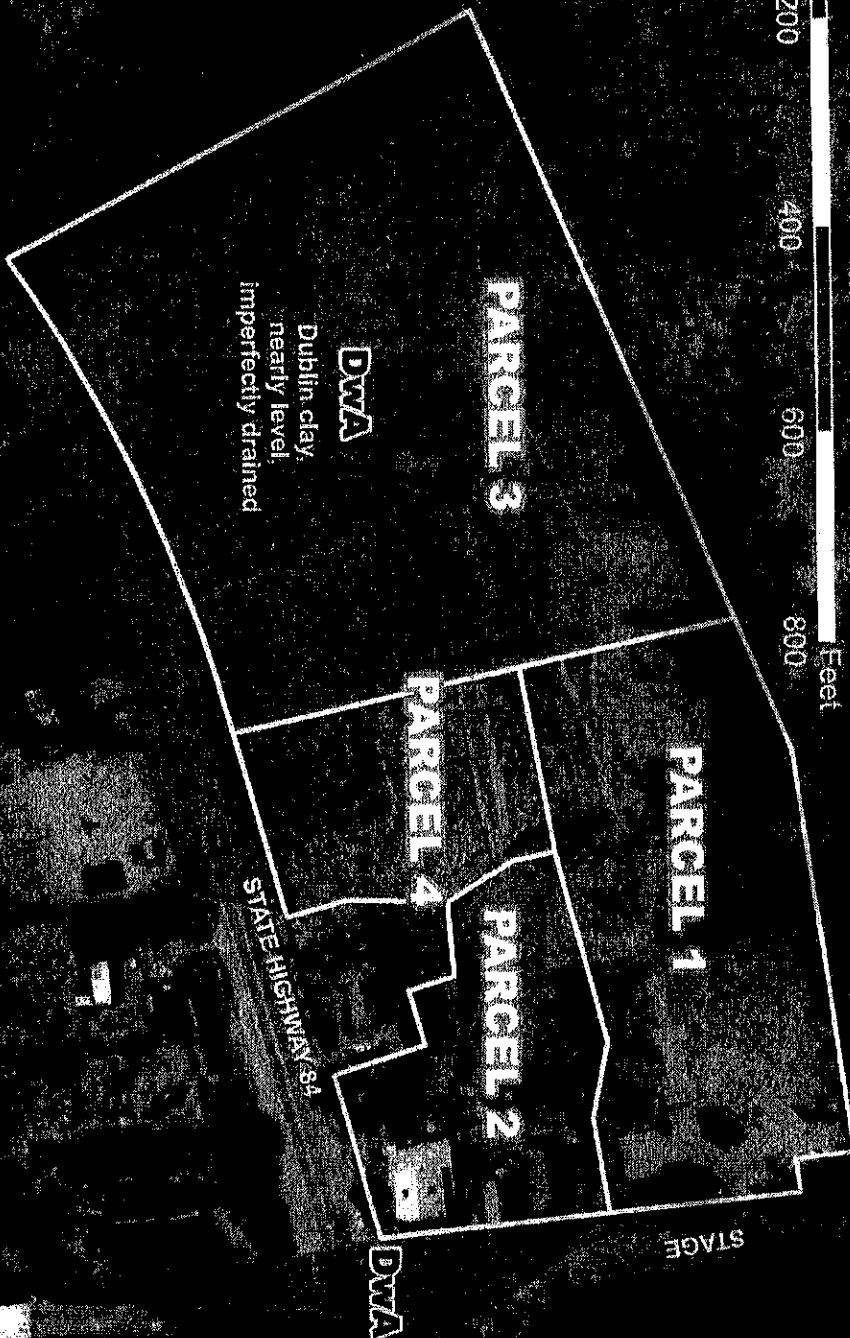
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**County of San Mateo - Planning and Building Department**

# **ATTACHMENT K**

# PRIME SOILS



## San Mateo County Board of Supervisors Meeting

Owner/Applicant: **Cattermole**

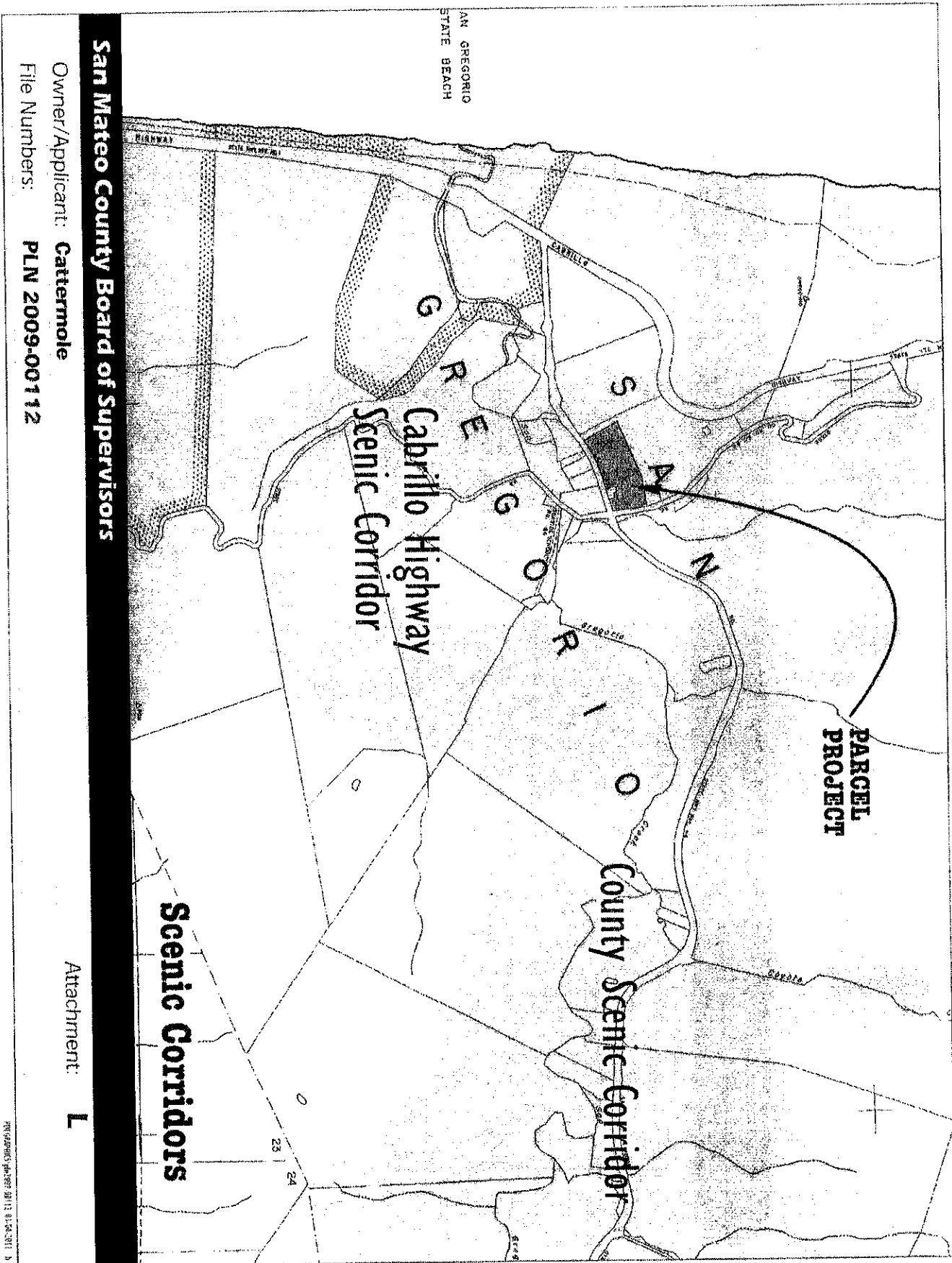
File Numbers: **PLN 2009-00112**

Attachment: **K**



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT L**



Owner/Applicant: **Cattermole**  
 File Numbers: **PLN 2009-00112**

Attachment: **L**



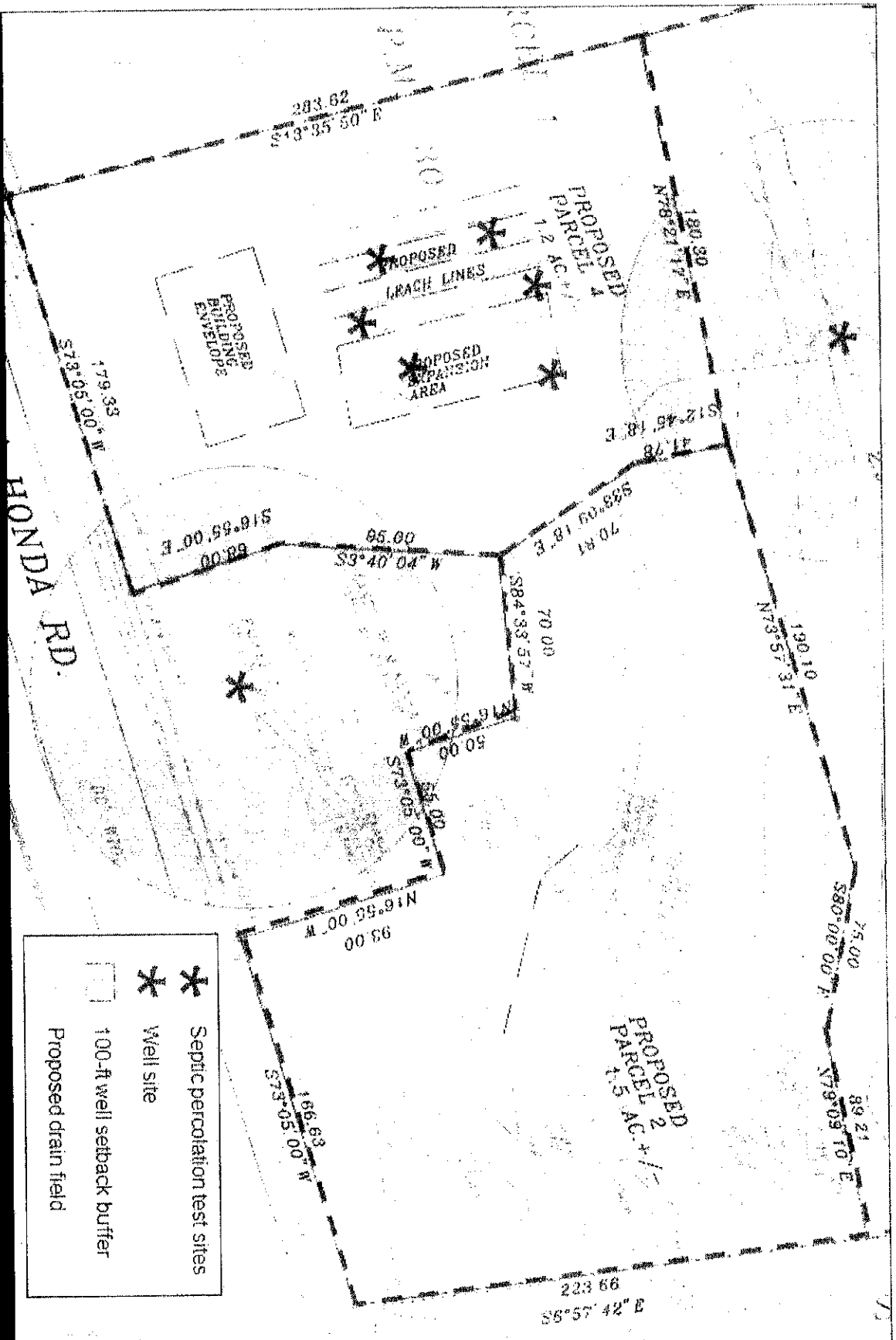
**County of San Mateo - Planning and Building Department**

# **ATTACHMENT M**

# Owner/Applicant: **Cattermole**

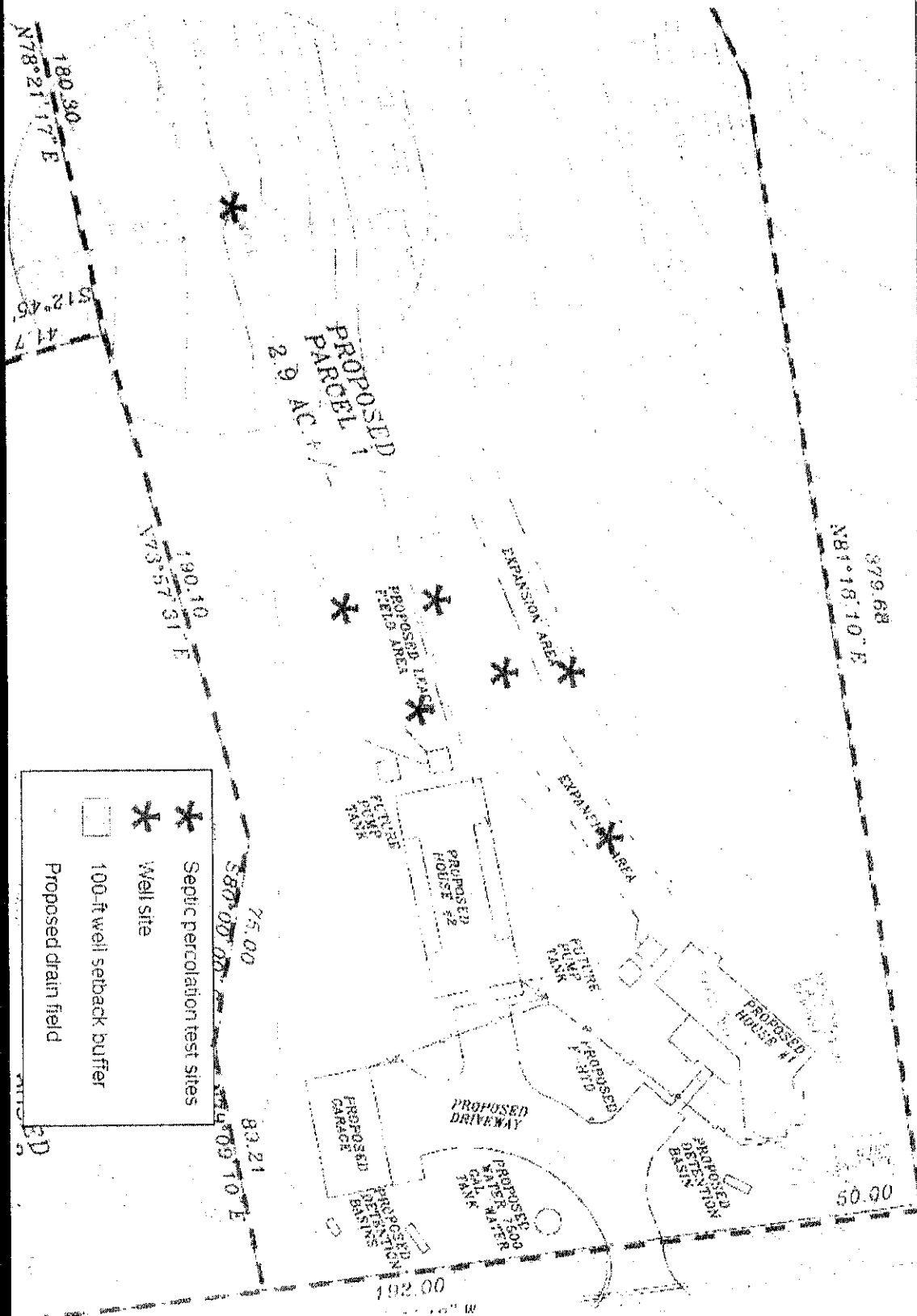
PLN 2009-00112

Attachment: **M**



**Owner/Applicant: Cattermole**

Attachment: **M**





**County of San Mateo - Planning and Building Department**

# **ATTACHMENT N**

County of San Mateo  
Planning and Building Department

### In-Lieu Park Fee Worksheet

[This formula is excerpted from Section 7055 of the County's Subdivision Regulations]

This worksheet should be completed for any residential subdivision which contains 50 or fewer lots. For subdivisions with more than 50 lots, the County may require either an in-lieu fee or dedication of land.

1. For the parcel proposed for subdivision, look up the value of the land on the most recent equalized assessment roll. (Remember you are interested in the land only.)

Value of Land      =      \$204,644

2. Determine the size of the subject parcel in acres.

Acres of Land      =      12.4

3. Determine the value of the property per acre.

- a. Set up a ratio to convert the value of the land given its current size to the value of the land if it were an acre in size.

<b>Formula:</b>	
$\frac{\text{Parcel Size in Acres (From Item 2)}}{1 \text{ Acre of Land}}$	$\frac{\text{Value of Subject Parcel (From Item 1)}}{\text{Value of Land/Acre}}$
<b>Fill Out:</b>	
$\frac{12.4}{1 \text{ Acre}}$	$\frac{\$204,644}{\text{Value of Land/Acre}}$

- b. Solve for X by cross multiplying.

<b>Formula:</b>				
Value of Land	=	$\frac{\text{Value of the Subject Parcel (From Item 1)}}{\text{Size of the Subject Parcel in Acres (From Item 2)}}$	=	_____
<b>Fill Out:</b>				
Value of Land	=	$\frac{\$204,644}{12.4}$	=	<u>\$16,503.548</u>

4. Determine the number of persons per subdivision.

<b>Formula:</b>				
Number of New Lots Created*	X	3.10**	=	Number of Persons Per Subdivision
*Example = A 2-lot split would = 1 newly created lot				
<b>Fill Out:</b>				
3	X	3.10**	=	9.30
**Average number of persons per dwelling unit according to the most recent federal census (2000).				

5. Determine the parkland demand due to the subdivision.

<b>Formula:</b>				
Number of Persons Per Subdivision (From Item 4)	X	.003*** Acres/Person	=	Parkland Demand
<b>Fill Out:</b>				
9.30	X	.003*** Acres/Person	=	0.0279
*** Section 7055.1 of the County's Subdivision Ordinance establishes the need for .003 acres of parkland property for each person residing in the County.				

6. Determine the parkland in-lieu fee.

<b>Formula:</b>				
Parkland Demand (From Item 5)	X	Value of the Land/Acre (From Item 3.b)	=	Parkland In-Lieu Fee
<b>Fill Out:</b>				
0.0279	X	\$16,503.548	=	\$ 460.45

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**County of San Mateo - Planning and Building Department**

# **ATTACHMENT O**

## Application for Appeal

- ☐ To the Planning Commission  
☒ To the Board of Supervisors

County Government Center • 455 County Center, 2nd Floor  
Redwood City • CA • 94063 • Mail Drop PLN 122  
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Name: Shauna McKenna

David Rhodes

Phone, W:

H: 650/3464671

P.O. BOX 106

Address: 659 LA Honda Rd.

San Gregorio, CA

Zip:

94074

Permit Numbers involved:

PLN 2009-00112

I hereby appeal the decision of the:

- ☐ Staff or Planning Director  
☐ Zoning Hearing Officer  
☐ Design Review Committee  
☒ Planning Commission

made on Oct. 27, 20 10, to approve/deny  
the above-listed permit applications.

I have read and understood the attached information  
regarding appeal process and alternatives.

☒ yes

☐ no

Appellant's Signature:

Shauna McKenna

Date: Nov. 09, 2010

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

County File Number: PLN 2009-00112 (Cattermole)

See attached letters of Community  
included in packet.

**RECEIVED**

NOV 10 2010

San Mateo County  
Planning Division

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** October 27, 2010

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Minor Subdivision, Use Permit, Grading Permit, Coastal Development Permit, Architectural Review Permit, and certification of a Mitigated Negative Declaration for the subdivision of a 12.4-acre parcel into four proposed parcels and development of two single-family dwellings on a single proposed parcel, located at 7625 Stage Road in the unincorporated San Gregorio area of San Mateo County. This project is appealable to the California Coastal Commission.

**PROPOSAL**

The applicant is proposing to subdivide a 12.4-acre parcel into four individual parcels located in and adjacent to the rural service center of San Gregorio. Two single-family dwellings and a four-car detached garage are also proposed for development on one of the resulting parcels. Approximately 630 cubic yards of grading is required for the proposed structures and associated driveway.

**RECOMMENDATION**

That the Planning Commission approve the Minor Subdivision, Use Permit, Grading Permit, and Coastal Development Permit, Architectural Review Permit, and certify the Mitigated Negative Declaration, County File Number PLN 2009-00112, by making the required findings and subject to the conditions of approval.

**SUMMARY**

The applicant is proposing to subdivide a 12.4-acre parcel, resulting in four individual parcels. The existing parcel, located in unincorporated San Gregorio, lies within two different zoning districts. Approximately one half of the subject parcel is within the Planned Agricultural District (PAD), and the other half is zoned Neighborhood Business District (C-1). The parcel is currently utilized for both residential and commercial uses. The San Gregorio General Store is located on this parcel, as well as an existing single-family dwelling, which are both located within the C-1 portion of the parcel, while the PAD portion contains an existing barn. The proposed subdivision will create a single parcel for the PAD portion of the subject parcel, and

three parcels to be created in the C-1 portion. None of the resulting parcels will contain split zoning such as currently exists.

In addition to subdividing the parcel, the applicant is also proposing to develop one of the four proposed parcels with two single-family dwellings (1,800 and 2,352 sq. ft.) and a 1,276 sq. ft. four car detached garage to provide parking for the residences. The proposed parcel will be located within the C-1 zoned portion, which requires a Use Permit for residential development.

The proposal, as conditioned, complies with the applicable General Plan Policies, Zoning Regulations, Local Costal Program policies, and Grading Regulations.

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**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** October 27, 2010

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a (1) Minor Subdivision pursuant to San Mateo County Subdivision Ordinance Section 7010, (2) Grading Permit pursuant to Section 8600 of the San Mateo County Ordinance Code, (3) Use Permit and Coastal Development Permit pursuant to Sections 6500 and 6328 of the County Zoning Regulations, respectively, (4) an Architectural Review Permit, pursuant to the State Streets and Highway Code, and (5) certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the subdivision of a 12.4-acre parcel into four proposed parcels and development of two single-family dwellings on a single proposed parcel, located at 7625 Stage Road in the unincorporated San Gregorio area of San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2009-00112 (Cattermole)

**PROPOSAL**

The applicant is proposing to subdivide a 12.4-acre parcel into four individual parcels located in and adjacent to the rural service center of San Gregorio. The existing subject parcel is currently split zoned, with approximately seven acres within the Planned Agricultural District (PAD), and the reminding 5.6 acres in Neighborhood Commercial (C-1). The proposed subdivision would separate the C-1 zoned portion of the subject parcel from the PAD zoned portion and subdivide that C-1 zoning portion into three parcels (2.9, 1.5, and 1.2 acres). A separate 1,470 sq. ft. parcel (081-013-080) in the northeast corner of the subject parcel, under same ownership and C-1 zoning designation, is anticipated to be merged with adjacent propose Parcel 1.

As part of this proposed subdivision, two single-family dwellings (1,800 and 2,352 sq. ft.) and a 1,056 sq. ft. four-car detached garage are also proposed for development on one of the proposed resulting C-1 zoned lots. Approximately 630 cubic yards of grading is required for the proposed structures and associated driveway. The propose development will be accessed from Stage Road, approximately 320 ft. north of the San Gregorio General Store. The proposed development will be served by two existing wells, one located on proposed parcel 1 to serve proposed parcels 1 and 2, and the second located on proposed parcel 3 to serve proposed parcels 3 and 4.

No development nor division of land is proposed within the remaining parcel, which is zoned PAD, and thereby not requiring a PAD Permit. The subject parcel is not under a Williamson Act contract.

### **RECOMMENDATION**

That the Planning Commission approve the Minor Subdivision, Use Permit, Grading Permit, Coastal Development Permit, Architectural Review Permit, and certify the Mitigated Negative Declaration, County File Number PLN 2009-00112, by making the required findings and subject to the conditions of approval listed in Attachment A.

### **BACKGROUND**

Report Prepared By: James A. Castañeda AICP, Project Planner; Telephone 650/363-1853

Owner/Applicant: George and Mary Cattermole

Location: 7625 Stage Road, San Gregorio

APN: 081-013-090

Size: 12.4 acres

Existing Zoning:

PAD (Planned Agricultural District) - 6.8 acres

C-1/S-7 (Neighborhood Business District/5,000 sq. ft. minimum parcel size) - 5.6 acres

General Plan Designation: Agricultural and Neighborhood Commercial

Existing Land Use: Agricultural/Residential/Commercial

Water Supply: two existing private wells

Sewer Disposal: Septic systems

Flood Zone: Zone C (Areas of minimal flooding); Community Panel No. 060311 0250 B, effective date: July 5, 1984.

Parcel Legality: Approved subdivision per SMN 90-3. Final map recorded under volume 65, page 30 on December 4, 1991.

Environmental Evaluation: Initial Study and Negative Declaration published on August 30, 2010. The public review period for the amended document, was August 30, 2010 through September 20, 2010.

Setting: The subject parcel is situated at the rural service center of San Gregorio located within a small valley where State Route 84/La Honda Road and Stage Road intersect. The area in the general vicinity is surrounded by single-family residences and commercial uses. The San Gregorio General Store and Post Office anchors the rural service area by providing goods to area residences and tourists. The San Gregorio Creek runs through the area, and flows out to San Gregorio State Beach, approximately one mile west. Surrounding hillsides are either used for agricultural uses or have existing native vegetation. The area is within the Cabrillo Highway State Scenic Corridor, but a vast majority of the area is not viewable from Cabrillo Highway due to topography and existing vegetation.

## DISCUSSION

### A. KEY ISSUES

#### 1. Compliance with the General Plan

Staff has determined that the project complies with all applicable General Plan Policies, with specific discussion of the following:

Chapter 1 - Vegetative, Water and Wildlife Resources. Policy 1.24 (*Protect Vegetative Resources*) requires the minimization of vegetation removal and projects must protect vegetation which enhances microclimates, stabilizes slopes or reduces surface water runoff, erosion or sedimentation. As proposed, the development aspect of the project will result in minimal vegetation removal, only that of ground covering where the proposed grading will occur. The proposed residential structures are not located on steep hillsides or placed in areas where slope stability will be compromised. As conditioned, the development aspects of this project minimize surface water runoff. The subdivision of the existing parcel will have no effect on vegetative, water, and wildlife resources.

Chapter 2 - Soils Resources. Policies 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) and 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*) regulate the location and design of development to most protect productive soil resources and prevent soil erosion and sedimentation.

Subdivision of the subject parcel as proposed in the tentative map does not impact soil resources of the surrounding areas.

The proposed residential project site is located on a gentle hillside with an average 9% slope. The area is mostly clear of native vegetation with only a garden and other plants from the neighboring residence. To prepare the site for the residential development, approximately 630 cubic yards of grading will occur. No soil will leave the site, as the amount of cut volume matches that of the fill volume. The design will attempt to minimize the amount of disturbed soil, but is also designed to conform to County standards for a driveway. Staff has included a condition, which requires the

implementation of an erosion control plan subject to approval prior to the start of any grading activities. As conditioned, the project will adhere to the aforementioned relevant policies.

Chapter 4 - Visual Quality. Policy 4.21 (*Scenic Corridors*), Policy 4.46 (*Regulation of Development in Scenic Corridors*), and Policy 4.47 (*Topography and Vegetation*) call for development to conform to the natural topography and blend, rather than conflict, with the natural landscape. Given the site topography, most of the proposed development will be difficult to view from Cabrillo Highway due to the angle of viewing and existing vegetation. The development is also clustered with other structures as part of the San Gregorio rural service center. Therefore, the visual impacts are nominal.

Policy 4.33 (*Rural Service Centers Design Concept*) requires proposed development be compatible with the established architectural character, design standards and character of the surrounding natural environment. The proposed development's design is compatible with existing structures, and will implement natural/earth toned color schemes.

Chapter 9 - Rural Land Use. Policy 9.14 (*Development Standards for Rural Service Centers*), calls for evaluation of development to determine potential various impacts, compatibility with existing development, and the need for the proposed development in the community. The proposed development will yield minimal impact due to the existing land uses of the area. The area in which the two residential structures are to be located is not used for agricultural, timber or recreational uses. The proposed development will provide the community with additional housing in the rural service center.

## 2. Conformance with Local Coastal Program

A review of the Department of Fish and Game Natural Diversity database indicates that no sensitive plant or animal species have been identified on the project site. However, there are two policies within the Location and Planning New Development Component and four policies within the Visual Resources Component that apply to this project.

### a. Locating and Planning New Development Component

Policy 1.12 (*Land Uses and Development Densities in Rural Service Centers*) requires the infilling and use of existing rural service centers to provide commercial facilities which support agricultural and recreation, as well as meet the housing needs that are created by local employment. The proposed development adheres to this policy by being located within the San Gregorio rural service center, which would provide housing for residents who may work locally as indicated by the applicant. For land designated as neighborhood commercial, no maximum density permitted is indicated, therefore density

limitation is specified by and applicable the C-1 zoning district and S-7 combining district.

Policy 1.18 (*Location of New Development*) encourages the location of new development in a manner that discourages urban sprawl, utilize existing public infrastructure/facilities, and protect and enhances the natural environment. Given that the proposed residential units will be adjacent to the existing development within the rural service center, the proposed location of the development will adhere to these objectives. Further, the policy encourages infill development, an objective this proposal also meets.

b. Sensitive Habitats Component

A small portion of the subject parcel's east boundary is within a riparian buffer zone for a creek which runs adjacent to and on the opposite side of Stage Road. Policy 7.12 (*Permitted Uses in Buffer Zones*) and 7.13 (*Performance Standards in Buffer Zones*) limit the use and location of development within a parcel where a riparian buffer zone has been identified by allowing development 20-feet from the limit of riparian vegetation. The proposed development of the two residential units will occur outside of the designated buffer zone, and a distance of 50 feet. Given the topography of the subject site, the location selected involves the least amount of grading to be performed. Vegetation removal is limited to existing ground cover grass as part of the grading and site preparation. Stage Road creates an additional buffer from the development, thereby reducing effects from the proposed development.

c. Visual Resources Compliance

Policy 8.5 (*Location of Development*), Policy 8.18 (*Development Design*), and Policy 8.19 (*Colors and Materials*) require the location of new development to be located so as to be least impactful to scenic corridors and public view points, and to be subordinate to the environment by blending into the natural environment through screening and use of natural, non-reflecting colors and materials. As discussed earlier in Section A.I, the site is situated within the Cabrillo Highway State Scenic Corridor and will have a minimal visual impact due to the topography and vegetation from viewpoints along Cabrillo Highway. The applicant has proposed colors and materials, which are compatible and blend with the natural environment. The proposed colors and materials, as illustrated in Attachment J, will be "sussex green" for trim materials, "sandy hook gray" for vertical siding, and an asphalt composite shingles roof material.

Policy 8.13c (*Special Design Guidelines for Coastal Communities- San Gregorio*) encourages new building to incorporate traditional design features found in the area. The design of the proposed residential units (see Attachment G for elevations) feature clean, simple lines and pitched roofs in a style that is compatible with the surrounding area. Policy 8.22 (*Utilities in State Scenic*

*Corridors*) requires that new utilities be installed underground, and the project is subject to such as a condition of approval.

3. Compliance with Zoning Regulations

The subject parcel presently lies within between two zoning districts. Approximately one half is within the Planned Agricultural District (PAD), and the other half is zoned Neighborhood Business District (C-1). The proposed subdivision of the existing parcel will result in a total of four new parcels. The portion of the property that is located within the C-1 Zoning District will be split into three parcels, with the remaining PAD zoned portion to become a single parcel. The proposed subdivision will result in each parcel having a single zoning designation following the existing zoning delineation line to remain unaltered (see Attachment C).

The proposed subdivision, which separates the PAD zoned area, is in compliance to applicable PAD Zoning District regulations. No division of land or additional parcels are being created within this area, nor is the PAD zoned portion being reduced. At the moment, no commercial agricultural operations are occurring within the PAD zoned portion, and the applicant is not proposing any changes or additional development within the PAD zoned portion. Staff concludes that the proposed subdivision will not have a detrimental effect on the parcel nor make this portion non-viable for future agricultural uses.

Compliance with C-1/S-7 Zoning Regulations

The two proposed residential units and detached garage will be located on the proposed Parcel 1. The C-1/S-7 Zoning District requirements and compliance of the proposed buildings with those requirements are listed below:

Development	Required	Proposed	Comply
Setbacks (ft.)			
Front	20	30	Yes
Sides	5	30	
Rear	20	364	
Height (ft.)	36	24.5	Yes
Max Lot Coverage	50%	4%	Yes

As shown by the table, the proposed development will comply with the zoning requirements of the S-7 combining district. This combining district allows a minimum lot area of 5,000 sq. ft. per dwelling unit, which equates to 8.7 dwelling units per acre (du/ac). Development for the two residential units on proposed parcel 1 will result in 0.69 du/ac. The proposed residential uses are allowed within the C-1 Zoning District subject to the issuance of a Use Permit, discussed in Section A.5 below.

4. Compliance with County Subdivision Regulations

a. Necessary Findings for Approval

The proposed minor subdivision has been reviewed against the regulations of both the Subdivision Map Act and the San Mateo County Subdivision Regulations. The proposed parcels would meet the minimum subdivision design requirements as stipulated by Section 7020 of the Subdivision Regulations. Additionally, the Department of Public Works, Cal-Fire, Environmental Health Division, and the Building Inspection Section have also reviewed the project and found that it complies, as proposed and conditioned, with their respective standards.

In order to approve the subdivision, the Planning Commission must make the following findings as stipulated by Section 7013.3.b of the San Mateo County Subdivision Regulations. Each finding is listed below followed by staff's response.

**(1) That the proposed map, along with the provisions for its design and improvement, is consistent with the San Mateo County General Plan.**

The Department of Public Works and Current Planning Section staff have reviewed the tentative map and found it complies, as conditioned in Attachment A of this report, with State and County land division regulations. The project is consistent with the County General Plan as discussed in Section A.1 of this report.

The applicant shall provide for an on-site septic system, well water, and electric service for the new parcels. As conditioned, utility lines will be run underground to each of the parcels. Water will serve the parcels by two existing wells and two water tanks. One well and water tank are located on proposed parcel 1, which will serve proposed parcel 1 (where the proposed two residential units are to be located) and proposed parcel 2 (where the existing general store and residential homes are located). The second well is located on the PAD zoned area which will result into proposed parcel 3. This well will serve the existing development on this parcel, as well as any future use on proposed parcel 4. The Environmental Health Department has reviewed the proposal and have deemed the existing wells adequate for the proposed subdivision. A septic system is proposed to serve the two residential units on proposed Parcel 1 which meets with the requirements of the Environmental Health Department.

- (2) **That the site is physically suitable for the proposed type of development.**

All four proposed parcels are physically suited for development, subject to the requirements of their respective zoning districts, for the following reasons: (1) the proposed parcels conform to the minimum building site and lot width requirements of the PAD and C-1/S-7 Zoning Districts, (2) water and sanitary services are/can be provided subject to the appropriate Environmental Health approval, and (3) each parcel can be accessed from a public road with the proposed configuration.

- (3) **That the site is physically suitable for the proposed density of development.**

The proposed parcels are relatively flat in the areas adjacent to the public roads and capable of being served by water, sewer and other necessary utilities. The subdivision would allow for a maximum density of 0.69 dwelling units per acre. Parcels located within the C-1 (Neighborhood Commercial) Zoning District are not subject to density limitation, and development within parcels in the Planned Agricultural District (PAD) are subject to a density analysis. Because of its size, the PAD portion area is only eligible for one density credit, and will continue as such as its own separate parcel.

- (4) **That the design of the subdivision or the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife in their habitat.**

There is no evidence to suggest that the project will create a public health problem or cause substantial environmental damage as conditioned. The design of the subdivision and the proposed improvements will not substantially and avoidably injure fish or wildlife or their habitat. Planning staff has included conditions of approval in Attachment A to require that the project minimize the transport and discharge of pollutants from the project site into local storm drain systems and water bodies by adhering to the San Mateo Countywide Stormwater Pollution Prevention Program and General Construction and Site Supervision Guidelines.

*Service to Proposed Parcels*

The proposed subdivision will be served by well water and sewer systems which have adequate capacity to serve this project. Review of the project by affected agencies, including the Environmental Health Division, yielded no objections.

Other Environmental Impacts

As conditioned, construction of required improvements and future residences will have minimal environmental impact to the surrounding area. The site is not located adjacent to identified sensitive habitats or watershed areas.

- (5) **That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

There are no existing public easements on the subject properties.

- (6) **That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code.**

Subject to approval and conditions from the Environmental Health Division, the proposed development on Parcel 1 will utilize a community septic sewer system. The Environmental Health Division is recommending approval of this proposal.

- (7) **That the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (The Williamson Act).**

As of December 16, 2008, the subject property is not under a Williamson Act contract. The subject parcel was under a Williamson Act contract (AP67-53), which has expired as a result of a Non-Renewal request (PLN 1999-00713) filed September 10, 1999.

b. Compliance with In-Lieu Park Fees

Section 7055.3 of the County Subdivision Regulations requires that, as a condition of approval of the tentative map, the subdivider must dedicate land for a public park or pay an in-lieu fee. Said fee is for the purpose of acquiring, developing or rehabilitating County park and recreation facilities and/or assisting other providers of park and recreation facilities in acquiring, developing or rehabilitating facilities that will serve the proposed subdivision. The section further defines the formula for calculating this fee. The fee for this subdivision is \$460.45 for in-lieu park fees. Fees are based on the current land value provided by the County Assessor's Office and are subject to change. This fee will be re-calculated at the time of payment, based upon the assessed land value at that time. A worksheet showing the prescribed calculation appears as Attachment E.

5. Conformance with Use Permit Findings

Under the provisions of Section 6500, residential uses are permitted in the C-1 (Neighborhood Commercial) zoning district subject to the issuance of a use permit. The following findings are required for the issuance of this permit:

- a. **Find that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

Staff has reviewed the project file and conducted a site inspection, and finds that the project, as proposed, will not be detrimental to the public welfare or injurious to the property or improvements in said neighborhood. Other residential uses are in the immediate vicinity of the subject site. There is little to no historical demand for additional neighborhood commercial use in the community of San Gregorio. Conversion of the C-1 zoned land on Parcel 1 to a residential use will not significantly diminish commercial opportunities in San Gregorio. There is additional C-1 zoned land directly to the south of the project parcel, and on the other side of La Honda Road.

- b. **Find that the use is necessary for the public health, safety, convenience, or welfare.**

The proposed residential development on parcel 1 will provide additional housing for individuals who work in the area, contributing to overall housing options in the rural service area.

6. Architectural Review: Conformance with State Scenic Corridor Provisions

Under the provisions of the Streets and Highway Code of the State of California, all projects in the State Scenic Corridor are required to come before the Planning Commission for review. As discussed in Section 1, Conformance with the General Plan, General Plan Policy 4.21 (*Scenic Corridors*) governs the Architectural Review portion of the proposed project. This policy discusses reducing the adverse visual quality of development and managing the appearance of development in scenic corridors. As mentioned earlier, a majority of the proposed development will be difficult to view from Cabrillo Highway due to the angle of viewing from Highway 1 and existing intervening vegetation. The applicant is proposing to use earth-toned colors and materials for the proposed residences to further reduce their visibility. Staff has concluded there will not be a significant visual impact associated with the approval of this project.

7. Grading Regulations

The proposed project requires approximately 315 cubic yard of excavation and 315 cubic yards of fill in order to prepare the site for the development of the two residences and detached garage. Staff has reviewed the proposal against the required findings for a grading permit and concluded that the project conforms to the criteria for review contained in the Grading Ordinance. In order to approve this project, the Planning Commission must make the required findings contained in the grading regulations. The findings and supporting evidence are outlined below:

- a. **That the project will not have a significant adverse effect on the environment.**

The proposed residential structures and detached garage have been sited and designed in a manner that will minimize vegetation removal and grading. All disturbed soil will remain on-site, with no export proposed. As conditioned, the project will not have a significant impact on the environment, and vegetation removal will be minimal. A landscaping plan is included as a condition of approval.

- b. **That the project conforms to the criteria of the San Mateo County Grading Ordinance and is consistent with the General Plan.**

The project, as conditioned, conforms to the criteria for review contained in the Grading Ordinance, including an erosion and sediment control plan, and required replacement of removed trees and vegetation. As outlined earlier in Section A.1 of this report, the project conforms to the General Plan.

B. ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration were issued with a public review period between August 30, 2010 and September 20, 2010. No comments were received during the public review period.

C. OTHER REVIEWING AGENCIES

<b>Referring Agency</b>	<b>Approve</b>	<b>Conditions of Approval</b>
Building Inspection Section	Yes	See Attachment A
Department of Public Works	Yes	See Attachment A
Cal-Fire	Yes	See Attachment A
Environmental Health	Yes	See Attachment A

## ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Tentative Map
- D. Site Area
- E. Residence 1 floor plan
- F. Residence 1 floor plan and elevations
- G. Residence 1 and 2 elevations
- H. Residence 2 elevations
- I. Garage floor plan and elevations
- J. Color Sample
- K. Prime Soils Map
- L. Appeals Jurisdiction Map
- M. Scenic Corridor Map
- N. In-Lieu Park Fees worksheet
- O. Initial Study and Mitigated Negative Declaration

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2009-00112

Hearing Date: October 27, 2010

Prepared By: James A. Castañeda, AICP

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines. An Initial Study was completed and a Negative Declaration issued in conformance with CEQA guidelines. The public review period for this document was August 30, 2010 to September 20, 2010.
2. That, on the basis of the Initial Study and comments received thereto, no substantial evidence exists that the project, if subject to the mitigation measures contained in the Negative Declaration, will have a significant effect on the environment. The four (4) mitigation measures contained in the Negative Declaration adequately mitigate any potential significant effect on the environment.
3. That the mitigation measures identified in the Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into a Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6. The applicant has agreed to comply with the four (4) mitigation measures contained in the Negative Declaration.
4. That the Negative Declaration reflects the independent judgment of the San Mateo County Planning Commission.

For the Coastal Development Permit, Find:

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. As conditioned, the project will present a negligible visual impact to the surrounding area.

6. That the project conforms to the specific findings required by the applicable policies of the San Mateo County Local Coastal Program. The Planning Commission finds that the proposed project as conditioned will be consistent with policies pertaining to visual impacts as the improvements and additions will be designed to be in scale with the character of their setting and blend rather than dominate or distract from the overall view of the area.

Regarding the Minor Subdivision, Find:

7. The proposed map is consistent with applicable general and specific plans. The subdivision will create four parcels consistent with the use and density stipulated by the General Plan.
8. The site is physically suitable for residential development. The four proposed parcels are of sufficient size and shape to support the allowed uses within their respective zoning districts without any major landform alternation.
9. The site is physically suitable for the proposed density of development. The subdivision would allow for a maximum density of 0.69 dwelling units per acre. Parcels located within the C-1 (Neighborhood Commercial) Zoning District are not subject to density limitation, and development within parcels in the Planned Agricultural District (PAD) are subject to a density analysis.
10. The design of the subdivision or the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife in their habitat. Very few improvements are required for the subdivision and there is no evidence to suggest that they will cause serious health problems or pose a significant threat to the environment as there will be minimal transport and discharge of pollutants from the project site into the local storm drain system in accordance to the San Mateo Countywide Stormwater Pollution Prevention Program and General Construction and Site Supervision Guidelines.
11. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision as no easements exists on any of the proposed parcels.
12. The discharge of waste from the proposed subdivision into a proposed septic system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. The applicant has proposed a septic sewer system and it has been determined by Environmental Health to be acceptable to accommodate the development.
13. The land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (The Williamson Act). The property is not subject to any Williamson Act contracts.

6. A Grading Permit Hard Card shall be issued prior to the beginning of grading activities. The applicant shall obtain a building permit for the proposed retaining walls and shall comply with all applicable requirements of the Building Inspection Section.
7. Prior to the issuance of the building permit or grading permit hard card, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo County Wide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
  - a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
  - b. Minimize the area of bare soil exposed at one time (phased grading).
  - c. Clear only areas essential for construction.
  - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
  - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
  - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
  - g. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
  - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions.
  - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.

- j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
  - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
  - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5-acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
8. The applicant shall submit an erosion and sediment control plan for the proposed utility and access improvements for Planning staff review and approval prior to installation of said utilities/improvements. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.
  9. Prior to recordation of the final parcel map, the applicant shall pay In-Lieu Park Fees to the San Mateo County Planning and Building Department pursuant to Section 7055.3 of the Subdivision Regulations. The current amount is \$460.45, but shall be calculated at time of recordation using the most recent assessed value of the parcel as required by Section 7055.3 of the Subdivision Regulations.
  10. All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment and shall otherwise be subject to the limits imposed by the San Mateo County Ordinance Code, Chapter 4.88.
  11. Unless approved, in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion. The applicant shall submit a letter to the Current Planning Section, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin.
  12. No grading activities shall commence until the applicant has been issued a grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) by the Current Planning Section.
  13. For the final approval of the grading permit, the applicant shall ensure the performance of the following activities within thirty (30) days of the completion of grading:

- a. The engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval/mitigation measures, and the Grading Ordinance, to the Current Planning Section and the Geotechnical Section.
  - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and Current Planning Section.
14. Prior to the issuance of the Grading Permit Hard Card, the applicant shall submit a final soils report for the review and approval of the Geotechnical Section.
15. The applicant shall submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms at the time of each respectively submitted project application. The required drainage plan shall show, in all respective cases, the mechanisms necessary to contain all water runoff generated by on-site impervious surfaces, and to reduce the amount of off site runoff through the use of on-site percolation facilities. The drainage plan shall also include facilities to minimize the amount of pollutants in stormwater runoff through on-site retention and filtering facilities. The on-site drainage plan shall be submitted to the Current Planning Section for review and approval by the Community Development Director prior to the issuance of a grading permit hard card.
16. Should cultural resources be encountered during site work, all work shall immediately be halted in the area of discovery and the applicant shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the applicant. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
17. All utilities shall be placed underground.
18. Prior to receiving a Planning Final sign off for the required building permits, colors and materials will need to be verified and shall match those submitted as part of this application (Attachment J).
19. The applicant shall submit a landscape plan for approval by the Community Development Director. The goal is to soften the proposed residences and garage as seen from public roads. The plan shall include native trees and shrubs compatible with the coastal area.

#### Building Inspection Section

20. Building permits shall be applied for and obtained from the Building Inspection Section for any future construction on the parcels created as a result of the filing of the final parcel map for this project.
21. 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.
22. Future residential development shall comply with the Green Building Ordinance.
23. This project must meet Chapter 7A Standards with respect to siding (Class-A Rated), roofing (Class-A Rated), venting, exterior doors (solid-core) and windows (tempered).

#### Department of Public Works

24. Prior to the issuance of the Building Permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
25. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
26. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
27. The applicant shall submit a driveway "Plan and Profile," to the Public Works Department, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
28. The applicant shall record documents which address future maintenance responsibilities of any private drainage and/or roadway facilities which may be constructed. Prior to recording these documents, they shall be submitted to the Public Works Department for review.

29. Any potable water system work required by the appropriate district within the County right-of-way shall not be commenced until County requirements for the issuance of an encroachment permit have been met. Plans for such work shall be reviewed by the Public Works Department prior to the issuance of the permit.
30. The applicant shall submit written certification from the appropriate energy and communication utilities to the Public Works Department and the Planning Department stating that they will provide energy and communication services to the proposed parcels of this subdivision.
31. At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of Section 8606.6 of the Grading Ordinance.
32. "As-Built" plans of all construction required by these conditions shall be prepared and signed by the subdivider's engineer upon completion of all work. The "As-Built" plans shall be accompanied by a written certification from the engineer that all private facilities have been completed in conformance with the approved plans.
33. The applicant shall submit a Parcel Map to the Department of Public Works for review and recording.

#### Cal-Fire

34. An approved Automatic Fire Sprinkler system meeting the requirements of NFPA-13D is required to be installed in your project. Plans shall include attached garages and detached garages at or above 1,000 square feet. Plans shall be designed by a licensed sprinkler system designer and submitted to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department. Building plans will not be reviewed until the required sprinkler plans are received by the County Building Department.
35. A statement that the building will be equipped and protected by automatic fire sprinklers must appear on the title page of the building plans.
36. 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.
37. A Site Plan showing all required components of the water system is required to be submitted with the building plans to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department for verification and approval. Plans shall show the location, elevation and size of required water storage tanks, the associated piping layout from the tank(s) to the building/structures, the size of and type of pipe, the depth of cover for the pipe, technical data sheets for all pipe/joints/valves/valve

indicators, thrust block calculations/joint restraint, the location of the standpipe/hydrant and the location of any required pumps and their size and specifications.

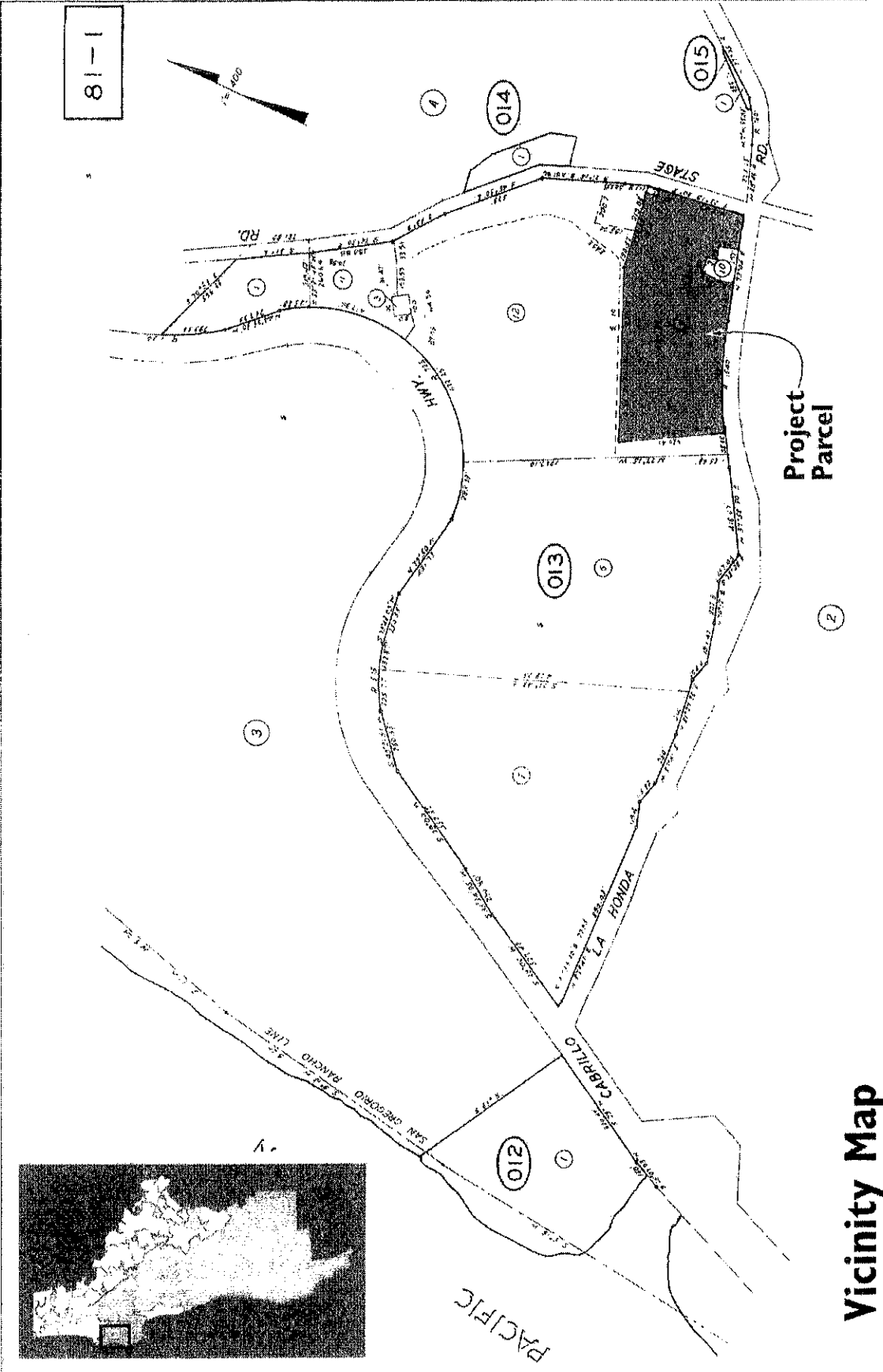
38. Because of the fire flow and automatic sprinkler requirements for your project, an on-site water storage tank is required. Based upon building plans submitted to the San Mateo County Building Department the San Mateo County Fire Department has determined that a minimum of 7,500 gallons of fire protection water will be required, in addition to the required domestic water storage. Fire protection water storage tanks shall be located a minimum of 50 feet from all buildings, or shall be of non-combustible construction. Plans showing the tank(s) type, size, location and elevation are to be submitted to the San Mateo County Fire Department for review and approval.
39. The water storage tank(s) shall be so located as to provide gravity flow to a standpipe/hydrant. Plans and specifications shall be submitted to the San Mateo County Building Department for review and approval by the San Mateo County Fire Department.
40. A Wet Draft Hydrant with a 4-1/2" National Hose Thread outlet with a valve shall be mounted not less than two feet above ground level and within five feet of the main access road or driveway, and not less than 50 feet from any portion of any building, nor more than 150 feet from the main residence or building.
41. The standpipe/hydrant shall be capable of a minimum fire flow of 1,000 GPM.
42. 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.
43. 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 San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than four inches in height, and have a minimum 1/2-inch stroke.
44. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved, (galvanized), spark arrestor of a mesh with an opening no larger than 1/2-inch in size, or an approved spark arresting device.
45. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and cleaning 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. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within five feet of any portion of any building or structures.

46. Remove that dead or dying portion of any tree which extends over the roof line of any structure.
47. This project is located in a wild land urban interface area. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors, and underfloor protection to meet CBC Chapter 7A requirements. You can visit the Office of the State Marshal's website at [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland.php](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland.php) and click the new products link to view the "WUI Products Handbook." This condition to be met at the building permit phase of the project.
48. This condition will be part of the building plan submittal phase of the project. If there is limited access into your property by use of a gate, the San Mateo County Fire Department will require 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 San Mateo County Fire Marshal's Office at 650/573-3846.
49. Contact the San Mateo County Fire Marshal to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Please allow for a minimum of 72 hours notice to the Fire Department at 650/573-3846.
50. Fire Dept access shall be to within 150 ft. of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be 20 ft. wide, all weather surface, and able to support a fire apparatus weighing 72,000 lbs. This access shall be provided from a publicly maintained road to the property. Grades over 15% shall be paved and no grade shall be over 20%. When gravel roads are used, it shall be class 2 base or equivalent compacted to 95%.
51. DRC Comments only, this is a preliminary review only. When this design is submitted for a BLD permit there may be more requirements according to the actual design being submitted and the current codes at time of building permit submittal. This review is neither permission nor approval for final plan check for a permit.
52. If development occurs on the other parcels, Fire Department access and water supply shall be provided at time of building plan submittal meeting the fire code at that time.

#### Environmental Health Department

53. The applicant shall produce a Covenant of Easement for proposed Parcels 1 and 2 addressing ownership, maintenance and location of easements for shared well located to be utilized on proposed Parcel 1. Covenant of Easement will also be required for proposed Parcels 3 and 4 for the shared well on proposed Parcel 3. These documents are to be recorded with County Recorders Office after recordation of the final map.

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## Vicinity Map

### San Mateo County Planning Commission's Meeting

Attachment: **B**

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

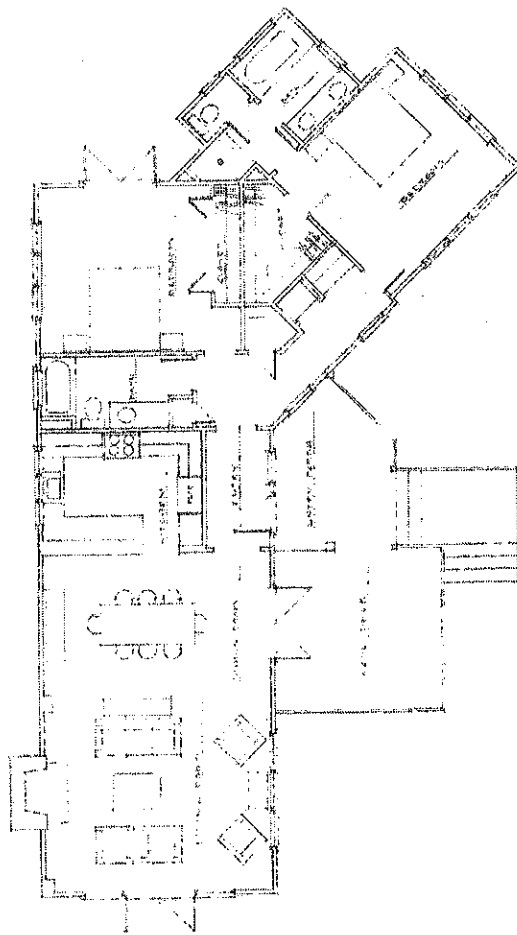
San Mateo County Planning Commission's Meeting





**RESIDENCE #1**

A 1,800 square foot wood frame single family home with two bedrooms and two bathrooms.



**FLOOR PLAN**  
1/2" = 1'-0"

# **Residence 1 floor plan**

**San Mateo County Planning Commission's Meeting**

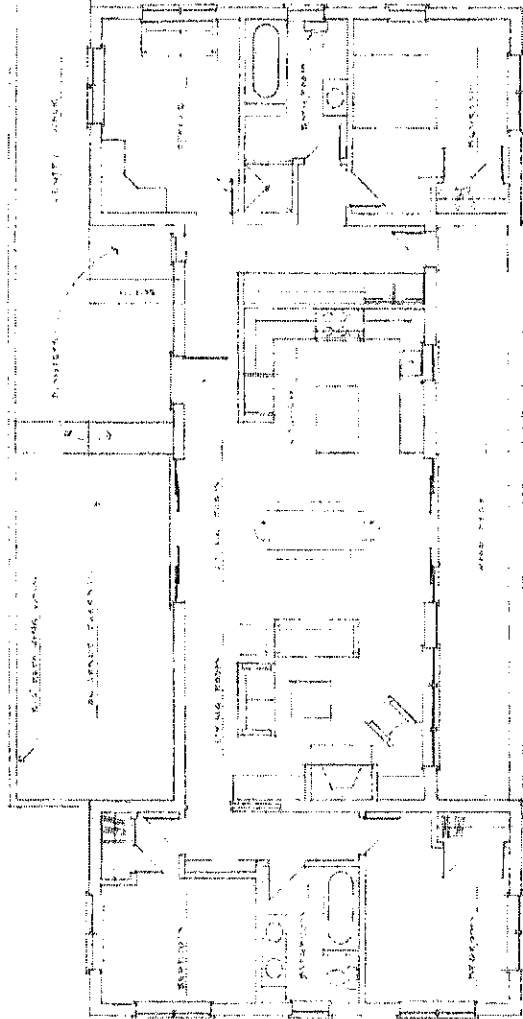
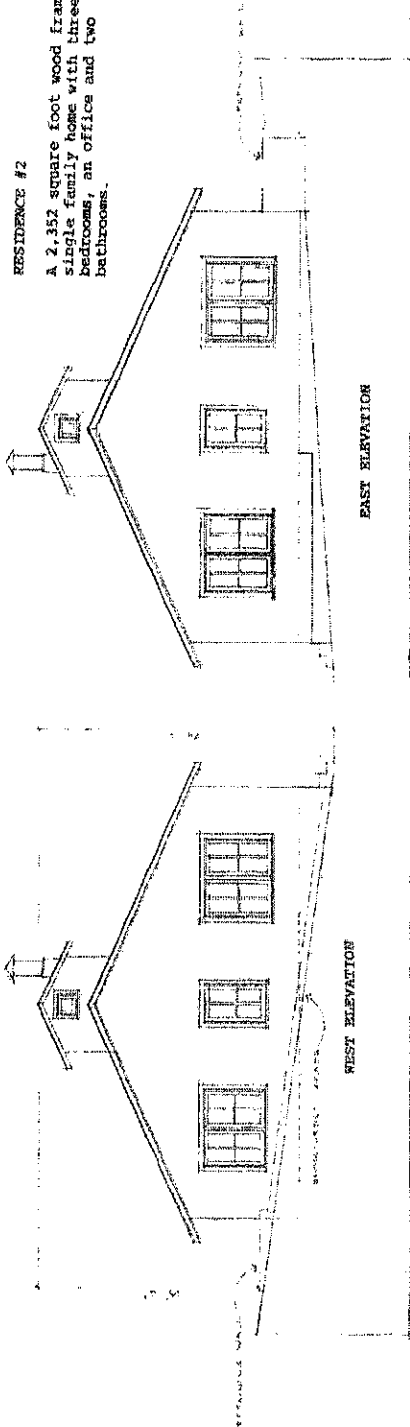
Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

Attachment: **E**

CDP 2009-00112 2.12.09

A 2,352 square foot wood frame single family home with three bedrooms, an office and two bathrooms.



## Residence 2 floor plan & elevations

## San Mateo County Planning Commission's Meeting

Owner/Applicant: **Cattermole**

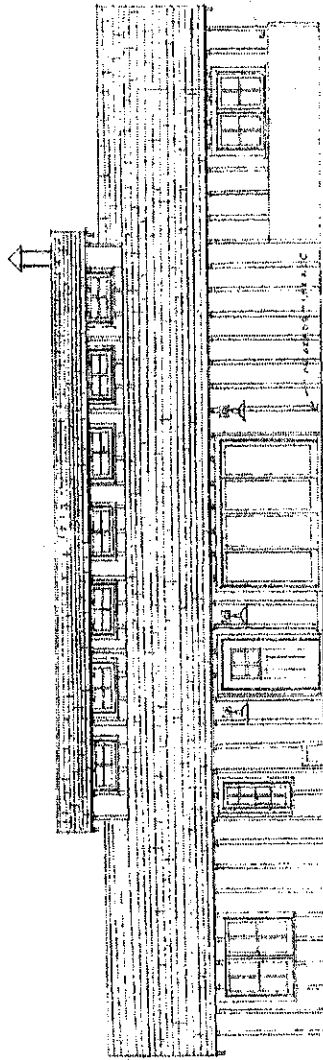
**F**  
Attachment:

File Numbers: **PLN 2009-00112**

CC-BY-NC-ND 4.0 International license

# RESIDENCE #2

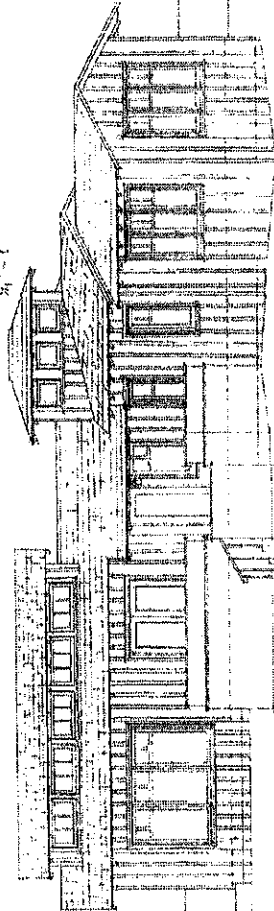
A 2,352 square foot wood frame single family home with three bedrooms, an office and two bathrooms.



NORTH ELEVATION

# RESIDENCE #1

A 1,890 square foot wood frame single family home with two bedrooms and two bathrooms.



SOUTH ELEVATION

SOUTH ELEVATION

RESIDENCE #1 and #2 are located on the same lot.

RESIDENCE #1 and #2 are located on the same lot.

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RESIDENCE #1 and #2 are located on the same lot.

## Residence 1 & 2 elevations

### San Mateo County Planning Commission's Meeting

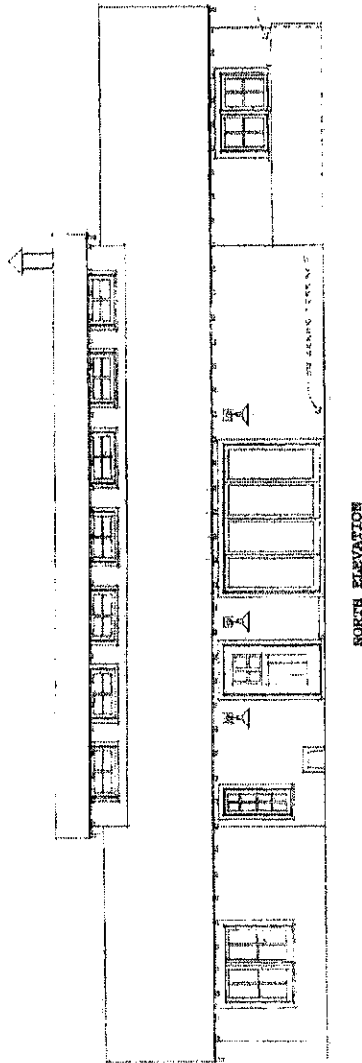
Owner/Applicant: Cattermole

File Numbers: PLN 2009-00112

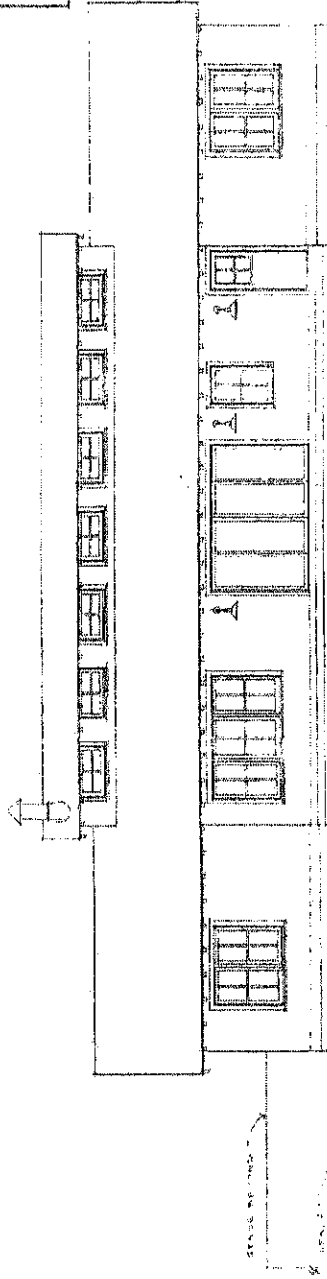
Attachment: G

RESIDENCE #2

A 2,352 square foot wood frame single family home with three bedrooms, an office and two bathrooms.



NORTH ELEVATION



SOUTH ELEVATION

## Residence 2 elevations

**San Mateo County Planning Commission's Meeting**

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

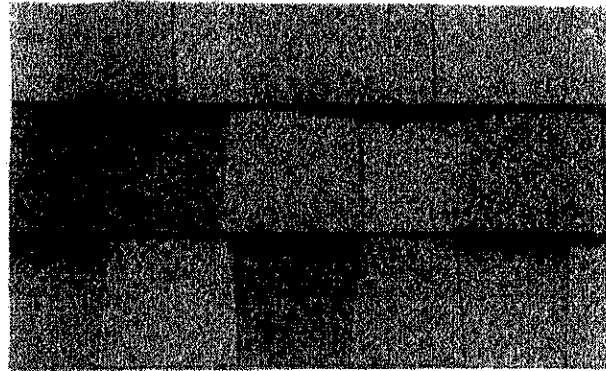
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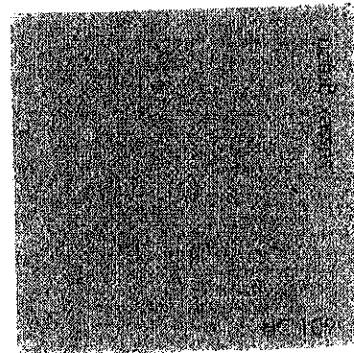


RESIDENCES #1 and #2 and Garage

ROOFING: Asphalt composition shingles  
Certainteed Weathered Wood



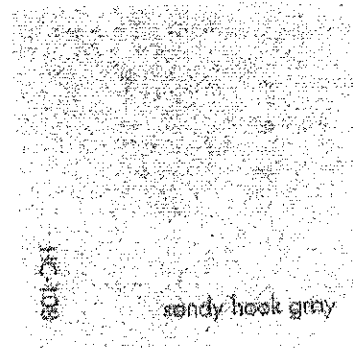
EXTERIOR TRIM: Painted Certainteed Fiber Cement  
Benjamin Moore Sussex Green HC109



BENJAMIN MOORE  
COLOR PREVIEW HC

WINDOWS: Aluminum  
Color: Bronze

EXTERIOR WALLS: Painted Certainteed Fiber Cement board and batten  
smooth vertical siding with vertical battens  
Benjamin Moore sandy hook gray HC108



ENTRANCE DECK: Natural wood  
Redwood-Watco natural linseed oil finish

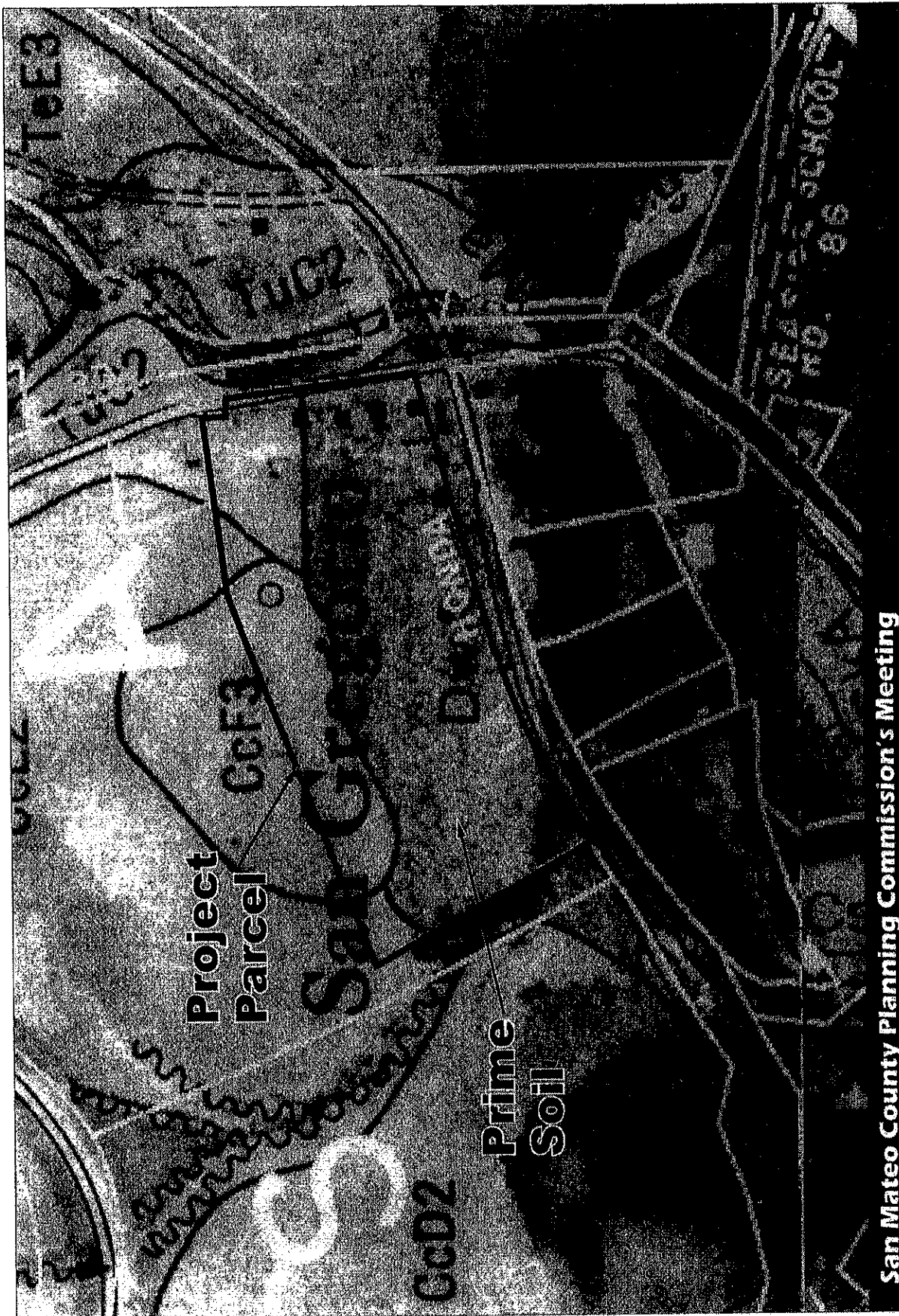
## San Mateo County Planning Commission Meeting

Applicant: **Cattermole**

Attachment: **J**

File Numbers: **PLN2009-00112**

(088)plan09-112 10-08-10



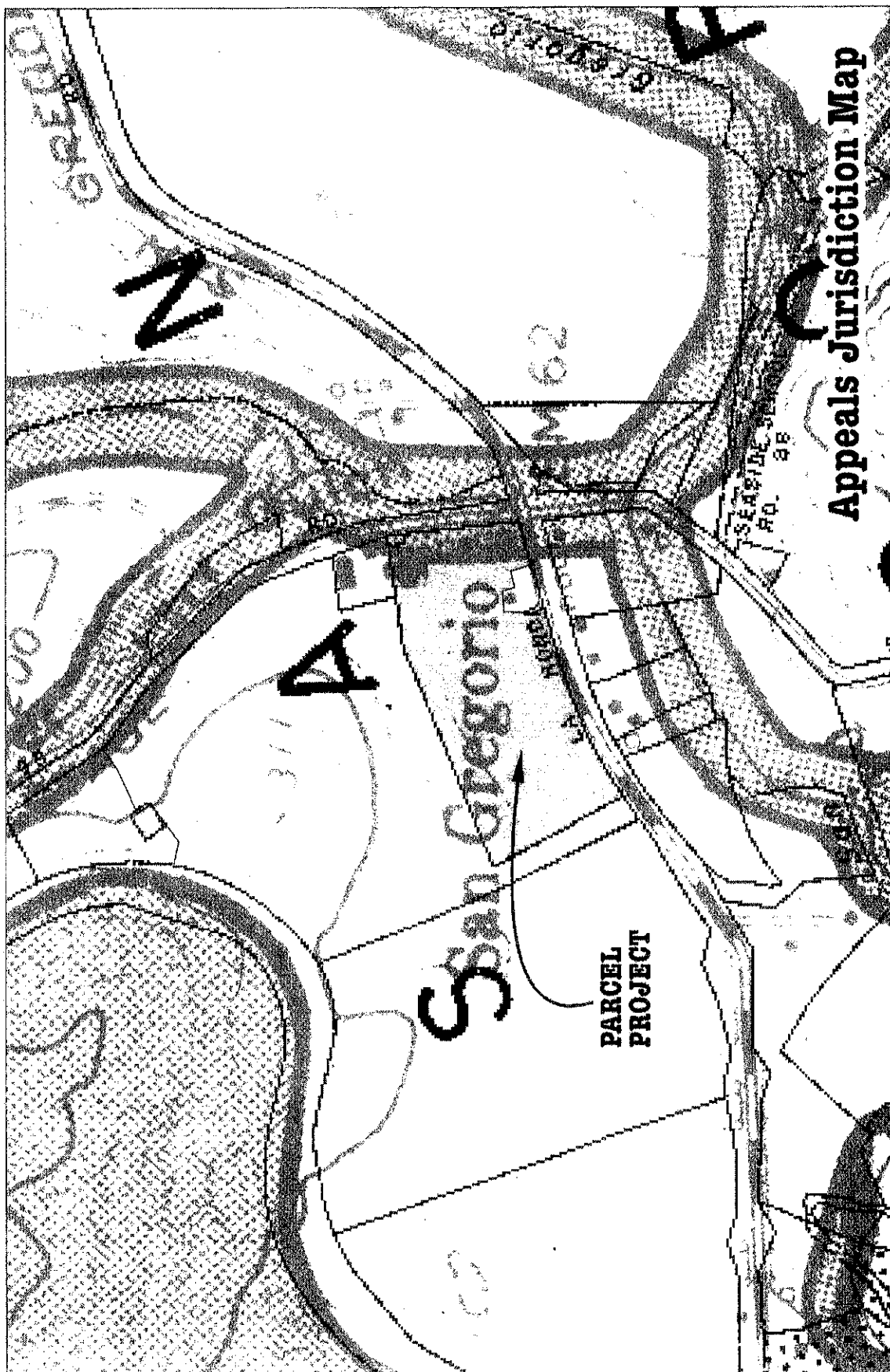
**San Mateo County Planning Commission's Meeting**

Attachment: **K**

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

2009-00112-13-13-13



County of San Mateo  
Planning and Building Department

### In-Lieu Park Fee Worksheet

[This formula is excerpted from Section 7055 of the County's Subdivision Regulations]

This worksheet should be completed for any residential subdivision which contains 50 or fewer lots. For subdivisions with more than 50 lots, the County may require either an in-lieu fee or dedication of land.

1. For the parcel proposed for subdivision, look up the value of the land on the most recent equalized assessment roll. (Remember you are interested in the land only.)

Value of Land      =      \$204,644

2. Determine the size of the subject parcel in acres.

Acres of Land      =      12.4

3. Determine the value of the property per acre.

- a. Set up a ratio to convert the value of the land given its current size to the value of the land if it were an acre in size.

<b>Formula:</b>	
<u>Parcel Size in Acres (From Item 2)</u> 1 Acre of Land	<u>Value of Subject Parcel (From Item 1)</u> Value of Land/Acre
<b>Fill Out:</b>	
<u>12.4</u> 1 Acre	<u>\$204,644</u> Value of Land/Acre

- b. Solve for X by cross multiplying.

<b>Formula:</b>				
Value of Land	=	<u>Value of the Subject Parcel (From Item 1)</u> Size of the Subject Parcel in Acres (From Item 2)	=	_____
<b>Fill Out:</b>				
Value of Land	=	<u>\$204,644</u> 12.4	=	<u>\$16,503.548</u>

4. Determine the number of persons per subdivision.

<b>Formula:</b>				
Number of New Lots Created*	X	3.10**	=	Number of Persons Per Subdivision
*Example = A 2-lot split would = 1 newly created lot.				
<b>Fill Out:</b>				
3	X	3.10**	=	9.30
**Average number of persons per dwelling unit according to the most recent federal census (2000).				

5. Determine the parkland demand due to the subdivision.

<b>Formula:</b>				
Number of Persons Per Subdivision (From Item 4)	X	.003*** Acres/Person	=	Parkland Demand
<b>Fill Out:</b>				
9.30	X	.003*** Acres/Person	=	0.0279
*** Section 7055.1 of the County's Subdivision Ordinance establishes the need for .003 acres of parkland property for each person residing in the County.				

6. Determine the parkland in-lieu fee.

<b>Formula:</b>				
Parkland Demand (From Item 5)	X	Value of the Land/Acre (From Item 3.b)	=	Parkland In-Lieu Fee
<b>Fill Out:</b>				
0.0279	X	\$16,503.548	=	\$ 460.45

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COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT  
NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: Cattermole Subdivision/Residential Development, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2009-00112

OWNER/APPLICANT: George and Mary Cattermole

ASSESSOR'S PARCEL NO.: 081-013-090

PROJECT LOCATION: 7625 Stage Road, San Gregorio

PROJECT DESCRIPTION: Consideration of a Minor Subdivision, Use Permit, Grading Permit, Coastal Development Permit and certification of a Mitigated Negative Declaration for the subdivision of a 12.4-acre parcel into 4 proposed parcels and development of 2 single-family dwellings on a single proposed parcel, located at 7625 Stage Road in the unincorporated San Gregorio area of San Mateo County.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Current Planning Section has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:
  - a. Create impacts which have the potential to degrade the quality of the environment.
  - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
  - c. Create impacts for a project which are individually limited, but cumulatively considerable.

- d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

**Mitigation Measure 1:** Prior to the issuance of a grading hard card, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Storm-water Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- (1) Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
- (2) Minimize the area of bare soil exposed at one time (phased grading).
- (3) Clear only areas essential for construction.
- (4) Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- (5) Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- (6) Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- (7) Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- (8) Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.

- (9) Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- (10) Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
- (11) Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
- (12) Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
- (13) Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan.

**Mitigation Measure 2:** All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

**Mitigation Measure 3:** The applicant shall submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms at the time of each respectively submitted project application. The required drainage plan shall show, in all respective cases, the mechanisms necessary to contain all water runoff generated by on-site impervious surfaces, and to reduce the amount of off-site runoff through the use of on-site percolation facilities. The drainage plan shall also include facilities to minimize the amount of pollutants in stormwater runoff through on-site retention and filtering facilities.

The on-site drainage plan shall be submitted to the Planning Department for review and approval by the Community Development Director prior to the issuance of building permits. The plan shall be included as part of the project's final building permit application and construction plans. The County Building Inspection Section shall ensure that the approved plan is implemented prior to the project's final building and/or grading inspection approval.

**Mitigation Measure 4:** Should cultural resources be encountered during site work, all work shall immediately be halted in the area of discovery and the applicant shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the applicant. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further site work within the area of

discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

RESPONSIBLE AGENCY CONSULTATION

None.

INITIAL STUDY

The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: August 30, 2010 through September 20, 2010.

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., September 20, 2010.**

CONTACT PERSON

James A. Castañeda, AICP  
Project Planner, 650/363-1853

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James A. Castañeda, Project Planner

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County of San Mateo  
Planning and Building Department

**INITIAL STUDY**  
**ENVIRONMENTAL EVALUATION CHECKLIST**  
(To Be Completed By Current Planning Section)

**I. BACKGROUND**

Project Title: Cattermole Subdivision/Residential Development

File No.: PLN 2009-00112

Project Location: 7625 Stage Road, San Gregorio

Assessor's Parcel No.: 081-013-090

Applicant/Owner: George and Mary Cattermole

Date Environmental Information Form Submitted: August 25, 2010

**PROJECT DESCRIPTION**

Consideration of a Minor Subdivision, Use Permit, Grading Permit, Coastal Development Permit and certification of a Mitigated Negative Declaration for the subdivision of a 12.4-acre parcel into 4 proposed parcels and development of 2 single-family dwellings on a single proposed parcel, located at 7625 Stage Road in the unincorporated San Gregorio area of San Mateo County.

## II. ENVIRONMENTAL ANALYSIS

Any controversial answers or answers needing clarification are explained on an attached sheet. For source, refer to pages 11 and 12.

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
<b>1. LAND SUITABILITY AND GEOLOGY</b>						
Will (or could) this project:						
a. Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?	X					B,F,O
b. Involve construction on slope of 15% or greater?	X					E,I
c. Be located in an area of soil instability (subsidence, landslide or severe erosion)?		X				Bc,D
d. Be located on, or adjacent to a known earthquake fault?	X					Bc,D
e. Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?	X					M
f. Cause erosion or siltation?			X			M,I
g. Result in damage to soil capability or loss of agricultural land?	X					A,M
h. Be located within a flood hazard area?	X					G
i. Be located in an area where a high water table may adversely affect land use?	X					D
j. Affect a natural drainage channel or streambed, or watercourse?	X					E

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
<b>2. <u>VEGETATION AND WILDLIFE</u></b>						
Will (or could) this project:						
a. Affect federal or state listed rare or endangered species of plant life in the project area?	X					F
b. Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?	X					I,A
c. Be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?	X					F
d. Significantly affect fish, wildlife, reptiles, or plant life?	X					I
e. Be located inside or within 200 feet of a marine or wildlife reserve?	X					E,F,O
f. Infringe on any sensitive habitats?	X					F
g. Involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?	X					I,F,Bb
<b>3. <u>PHYSICAL RESOURCES</u></b>						
Will (or could) this project:						
a. Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)?	X					I

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
b. Involve grading in excess of 150 cubic yards?			X			I
c. Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?	X					I
d. Affect any existing or potential agricultural uses?	X					A,K,M
4. <u>AIR QUALITY, WATER QUALITY, SONIC</u>						
Will (or could) this project:						
a. Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?	X					I,N,R
b. Involve the burning of any material, including brush, trees and construction materials?	X					I
c. Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?	X					Ba,I
d. Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?	X					I
e. Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?	X					A,Ba,Bc
f. Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?			X			I

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
g. Generate polluted or increased surface water runoff or affect groundwater resources?			X			I
h. Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity?	X					S
5. <u>TRANSPORTATION</u>						
Will (or could) this project:						
a. Affect access to commercial establishments, schools, parks, etc.?	X					A,I
b. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?	X					A,I
c. Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?	X					I
d. Involve the use of off-road vehicles of any kind (such as trail bikes)?	X					I
e. Result in or increase traffic hazards?	X					S
f. Provide for alternative transportation amenities such as bike racks?	X					I
g. Generate traffic which will adversely affect the traffic carrying capacity of any roadway?	X					S

		IMPACT					SOURCE
		NO	YES			Cumulative	
			Not Significant	Significant Unless Mitigated	Significant		
6. <u>LAND USE AND GENERAL PLANS</u>							
Will (or could) this project:							
a. Result in the congregating of more than 50 people on a regular basis?	X						I
b. Result in the introduction of activities not currently found within the community?	X						I
c. Employ equipment which could interfere with existing communication and/or defense systems?	X						I
d. Result in any changes in land use, either on or off the project site?		X					I
e. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?	X						I,Q,S
f. Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?	X						I,S
g. Generate any demands that will cause a public facility or utility to reach or exceed its capacity?	X						I,S
h. Be adjacent to or within 500 feet of an existing or planned public facility?	X						A

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
i. Create significant amounts of solid waste or litter?	X					I
j. Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?	X					I
k. Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?	X					B
l. Involve a change of zoning?	X					C
m. Require the relocation of people or businesses?	X					I
n. Reduce the supply of low-income housing?	X					I
o. Result in possible interference with an emergency response plan or emergency evacuation plan?	X					S
p. Result in creation of or exposure to a potential health hazard?	X					S
<b>7. AESTHETIC, CULTURAL AND HISTORIC</b>						
Will (or could) this project:						
a. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?		X				A,Bb
b. Obstruct scenic views from existing residential areas, public lands, public water body, or roads?	X					A,I
c. Involve the construction of buildings or structures in excess of three stories or 36 feet in height?	X					I

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
d. Directly or indirectly affect historical or archaeological resources on or near the site?			X			H
e. Visually intrude into an area having natural scenic qualities?		X				A/I

III. **RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

AGENCY	YES	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)		X	
State Water Resources Control Board		X	
Regional Water Quality Control Board		X	
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	
Coastal Commission		X	
City		X	
Sewer/Water District:		X	
Other:			

#### IV. MITIGATION MEASURES

	<u>Yes</u>	<u>No</u>
Mitigation measures have been proposed in project application.	X	
Other mitigation measures are needed.		X

The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines:

**Mitigation Measure 1:** Prior to the issuance of a grading hard card, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
- Minimize the area of bare soil exposed at one time (phased grading).
- Clear only areas essential for construction.
- Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.

k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).

l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.

m. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan.

**Mitigation Measure 2:** All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

**Mitigation Measure 3:** The applicant shall submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms at the time of each respectively submitted project application. The required drainage plan shall show, in all respective cases, the mechanisms necessary to contain all water runoff generated by on-site impervious surfaces, and to reduce the amount of off-site runoff through the use of on-site percolation facilities. The drainage plan shall also include facilities to minimize the amount of pollutants in stormwater runoff through on-site retention and filtering facilities. The on-site drainage plan shall be submitted to the Current Planning Section for review and approval by the Community Development Director prior to the issuance of a grading permit hard card.

The on-site drainage plan shall be submitted to the Planning Department for review and approval by the Community Development Director prior to the issuance of building permits. The plan shall be included as part of the project's final building permit application and construction plans. The County Building Inspection Section shall ensure that the approved plan is implemented prior to the project's final building and/or grading inspection approval.

**Mitigation Measure 4:** Should cultural resources be encountered during site work, all work shall immediately be halted in the area of discovery and the applicant shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the applicant. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

V. MANDATORY FINDINGS OF SIGNIFICANCE

	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		X
3. Does the project have possible environmental effects which are individually limited, but cumulatively considerable?		X
4. Would the project cause substantial adverse effects on human beings, either directly or indirectly?		X

On the basis of this initial evaluation:

I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Current Planning Section.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because of the mitigation measures in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

James A. Castañeda, AICP

Project Planner

August 30, 2010

Date

## VI. SOURCE LIST

- A. Field Inspection
- B. County General Plan 1986
  - a. General Plan Chapters 1-16
  - b. Local Coastal Program (LCP) (Area Plan)
  - c. Skyline Area General Plan Amendment
  - d. Montara-Moss Beach-El Granada Community Plan
  - e. Emerald Lake Hills Community Plan
- C. County Ordinance Code
- D. Geotechnical Maps
  - 1. USGS Basic Data Contributions
    - a. #43 Landslide Susceptibility
    - b. #44 Active Faults
    - c. #45 High Water Table
  - 2. Geotechnical Hazards Synthesis Maps
- E. USGS Quadrangle Maps, San Mateo County 1970 Series (See F. and H.)
- F. San Mateo County Rare and Endangered Species Maps, or Sensitive Habitats Maps
- G. Flood Insurance Rate Map – National Flood Insurance Program
- H. County Archaeologic Resource Inventory (Prepared by S. Dietz, A.C.R.S.) Procedures for Protection of Historic and Cultural Properties – 36 CFR 800 (See R.)
- I. Project Plans or EIF
- J. Airport Land Use Committee Plans, San Mateo County Airports Plan
- K. Aerial Photography or Real Estate Atlas – REDI
  - 1. Aerial Photographs, 1941, 1953, 1956, 1960, 1963, 1970
  - 2. Aerial Photographs, 1981
  - 3. Coast Aerial Photos/Slides, San Francisco County Line to Año Nuevo Point, 1971
  - 4. Historic Photos, 1928-1937

- L. Williamson Act Maps
- M. Soil Survey, San Mateo Area, U.S. Department of Agriculture, May 1961
- N. Air Pollution Isopleth Maps – Bay Area Air Pollution Control District
- O. California Natural Areas Coordinating Council Maps (See F. and H.)
- P. Forest Resources Study (1971)
- Q. Experience with Other Projects of this Size and Nature
- R. Environmental Regulations and Standards:
  - Federal
    - Review Procedures for CDBG Programs 24 CFR Part 58
    - NEPA 24 CFR 1500-1508
    - Protection of Historic and Cultural Properties 36 CFR Part 800
    - National Register of Historic Places Executive Order 11988
    - Floodplain Management Executive Order 11990
    - Protection of Wetlands
    - Endangered and Threatened Species
    - Noise Abatement and Control 24 CFR Part 51B
    - Explosive and Flammable Operations 24 CFR 51C
    - Toxic Chemicals/Radioactive Materials HUD 79-33
    - Airport Clear Zones and APZ 24 CFR 51D
  - State
    - Ambient Air Quality Standards Article 4, Section 1092
    - Noise Insulation Standards
- S. Consultation with Departments and Agencies:
  - a. County Health Department
  - b. City Fire Department
  - c. California Department of Forestry
  - d. Department of Public Works
  - e. Disaster Preparedness Office
  - f. Other

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 (1/22/07)

**COUNTY OF SAN MATEO**  
Planning and Building Department

**Initial Study Pursuant to CEQA**  
**Project Narrative and Answers to Questions for the Negative Declaration**  
**File Number: PLN 2009-00112**  
**Cattermole Subdivision/Residential Development**

**PERMIT PROCESSING**

The project requires approval of a Tentative Subdivision Map, Use Permit, Coastal Development Permit, and Grading Permit. A Use Permit is required to allow residential development within a Neighborhood Business Zoning District (C-1). Due to the grading in excess of 250 cubic yards, a Grading Permit is required. A Coastal Development Permit is also required, pursuant to the Local Coastal Program. The San Mateo County Planning Commission will make a determination at a scheduled public hearing, and will consider certification of this Mitigated Negative Declaration.

**PROJECT DESCRIPTION**

Consideration of a Minor Subdivision, Use Permit, Grading Permit, Coastal Development Permit and certification of a Mitigated Negative Declaration for the subdivision of a 12.4-acre parcel into 4 proposed parcels and development of 2 single-family dwellings on a single proposed parcel, located at 7625 Stage Road in the unincorporated San Gregorio area of San Mateo County.

**ANSWERS TO QUESTIONS**

**1. LAND SUITABILITY AND GEOLOGY**

- a. **Will (or could) this project involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?**

**No Impact.** The project site is not located near any unique landform or biological areas.

- b. **Will (or could) this project involve construction on slopes of 15% or greater?**

**No Impact.** The earthwork and construction involved with the two proposed single-family residences will be constructed on slopes of 10%.

- c. **Will (or could) this project be located in area of soil instability (subsidence, landslide or severe erosion)?**

**ANSWERS TO QUESTIONS**

File No. PLN 2009-00112

Page 2

**Yes, Not Significant.** The proposed grading at the project site does have potential of severe erosion due to the nature of the soil removal if not mitigated. With the implementation of drainage measures, best management practices during construction, and Mitigation Measure 1, the project impacts due to grading will be less than significant.

**Mitigation Measure 1:** Prior to the issuance of a grading hard card, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- (1) Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
- (2) Minimize the area of bare soil exposed at one time (phased grading).
- (3) Clear only areas essential for construction.
- (4) Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- (5) Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- (6) Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- (7) Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.

**ANSWERS TO QUESTIONS**

File No. PLN 2009-00112

Page 3

- (8) Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- (9) Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- (10) Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
- (11) Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
- (12) Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
- (13) Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan.

- d. **Will (or could) this project be located on, or adjacent to, a known earthquake fault?**

**No Impact.** The project is not located on or adjacent to known faults.

- e. **Will (or could) this project involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?**

**No Impact.** The project site is not located on land that has been identified as having Class I, II, or III soils.

- f. **Will (or could) this project cause erosion or siltation?**

**Yes, Significant Unless Mitigated.** During the proposed grading process, there is the potential for erosion due to exposed soils resulting from grading activities. The project is required to implement effective erosion and sediment controls prior to

## ***ANSWERS TO QUESTIONS***

*File No. PLN 2009-00112*

*Page 4*

beginning these activities on-site. These measures shall be maintained throughout the construction phases of the development. See Mitigation Measure 1.

- g. Will (or could) this project result in damage to soil capability or loss of agricultural land?**

**No Impact.** While the approximately ½ of the subject parcel (in its current configuration) contains prime agricultural soils, the proposed residential development is to be located in non-prime agricultural soils areas, as identified by the NRCS soil survey for San Mateo County.

- h. Will (or could) this project be located within a flood hazard area?**

**No Impact.** The project site is located in Flood Zone C as defined by FEMA, which is an area of minimal potential flooding. No mitigation is required.

- i. Will (or could) this project be located in an area where a high water table may adversely affect land use?**

**No Impact.** There is no indication of the presence of a high water table in this area, thus there would be no impact due to high water table.

- j. Will (or could) this project affect a natural drainage channel or streambed, or watercourse?**

**No Impact.** The site is not located near any natural drainage channels, streambeds, or watercourses.

## **2. VEGETATION AND WILDLIFE**

- a. Affect federal or state listed rare or endangered species of plant life in the project area?**

**No Impact.** A search of the California Natural Diversity Database was conducted and no special status plant species were found to occur on or near the project site.

- b. Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?**

**No Impact.** No trees are proposed to be removed.

**ANSWERS TO QUESTIONS**

File No. PLN 2009-00112

Page 5

- c. **Will (or could) this project be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?**

**No Impact.** A search of the California Natural Diversity Database was conducted and no special status species were found to occur within two miles of the project area.

- d. **Significantly affect fish, wildlife, reptiles, or plant life?**

**No Impact.** No activities are being performed with the approval of the proposed subdivision and residential development on the subject property.

**ANSWERS TO QUESTIONS**

File No. PLN 2009-00112

Page 6

erosion and sediment controls prior to beginning these activities on-site. These measures shall be maintained throughout the construction phases of the development. See Mitigation Measure 1.

- c. **Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?**

**No Impact.** The project site is not protected under the Williamson Act or any Open Space Easements as of December 16, 2008. The subject parcel was under a Williamson Act contract (AP67-53) and expired as a result of a Non-Renewal request (PLN 1999-00713).

- d. **Affect any existing or potential agricultural uses?**

**No Impact.** The proposed grading work will not have any impact on existing or future agricultural uses.

**4. AIR QUALITY, WATER QUALITY, SONIC**

- a. **Will (or could) this project generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?**

**No Impact.** The project will not result in the generation of pollutants.

- b. **Involve the burning of any material, including brush, trees and construction materials?**

**No Impact.** No burning of any materials is expected to occur during or after the project is completed.

- c. **Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?**

**No Impact.** Grading of the subject site will not be subject to the generation of noise in excess of levels regulated by the County Noise Ordinance.

- d. **Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?**

**ANSWERS TO QUESTIONS**

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**No Impact.** No activities are being performed with the approval of the proposed subdivision and residential development that would result in disposal of any potentially hazardous material.

- e. **Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?**

**No Impact.** Subdivision and the proposed residential development of the subject site will not be subject to the generation of noise in excess of levels regulated by the County Noise Ordinance.

- f. **Will (or could) this project generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?**

**Yes, Significant Unless Mitigated.** During project work, excessive noise could be generated, particularly during grading and excavation activities. Mitigation Measure 2 is proposed to reduce the construction noise impact to a less than significant level.

**Mitigation Measure 2:** All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

- g. **Will (or could) this project generate polluted or increased surface water runoff or affect groundwater resources?**

**Yes, Significant Unless Mitigated.** During grading work, the subject site is susceptible to erosion and surface water runoff. Mitigation Measure 1, as well as Mitigation Measure 3 below, addresses this issue.

**Mitigation Measure 3:** The applicant shall submit an on-site drainage plan, as prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms at the time of each respectively submitted project application. The required drainage plan shall show, in all respective cases, the mechanisms necessary to contain all water runoff generated by on-site impervious surfaces, and to reduce the amount of off-site runoff through the use of on-site percolation facilities. The drainage plan shall also include facilities to minimize the amount of pollutants in stormwater runoff through on-site retention and filtering facilities.

## ***ANSWERS TO QUESTIONS***

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The on-site drainage plan shall be submitted to the Planning Department for review and approval by the Community Development Director prior to the issuance of building permits. The plan shall be included as part of the project's final building permit application and construction plans. The County Building Inspection Section shall ensure that the approved plan is implemented prior to the project's final building and/or grading inspection approval.

- h. Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system, which is at or over capacity?**

**No Impact.** Installation of a septic system is not part of the project.

### **5. TRANSPORTATION**

- a. Affect access to commercial establishments, schools, parks, etc.?**

**No Impact.** The proposal would not affect access to commercial establishments, schools, or parks. Additional traffic generated from the proposed development of the two single-family dwellings will have a negligible impact to the surrounding infrastructure.

- b. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?**

**No Impact.** Development of the two single-family dwellings on the subject site would not generate minimal pedestrian traffic.

- c. Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?**

**No Impact.** Development of the two single-family dwellings on the subject site would not result in a noticeable change in vehicular traffic patterns and will have a negligible impact to the surround infrastructure.

- d. Involve the use of off-road vehicles of any kind (such as trail bikes)?**

**No Impact.** The project would not involve the use of off-road vehicles.

- e. Result in or increase traffic hazards?**

**ANSWERS TO QUESTIONS**

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**No Impact.** Development of the two single-family dwellings on the subject site would not result in a noticeable change in traffic and, therefore, traffic hazards are not expected to be increased.

- f. **Provide for alternative transportation amenities such as bike racks?**

**No Impact.** No bike racks or other alternative transportation amenities are being provided on-site. Given the scope of the project, staff believes that alternative transportation amenities are not necessary for the proposed project.

- g. **Generate traffic that will adversely affect the traffic carrying capacity of any roadway?**

**No Impact.** The additional traffic generated by the proposed two single-family dwellings is minimal and would not result in adverse affect the traffic carrying capacity of any roadway in the vicinity.

**6. LAND USE AND GENERAL PLANS**

- a. **Result in the congregating of more than 50 people on a regular basis?**

**No Impact.** The proposed project would not result in the congregation of more than 50 people on a regular basis.

- b. **Result in the introduction of activities not currently found within the community?**

**No Impact.** The proposed residential activities already exist in the immediate vicinity.

- c. **Employ equipment that could interfere with existing communication and/or defense systems?**

**No Impact.** The proposed project would not employ equipment that could interfere with existing communication and/or defense systems.

- d. **Result in any changes in land use, either on or off the project site?**

**Yes, Not Significant.** The proposed development will utilize existing vacant land, but is in conformance with County General Plan guidelines and Zoning regulations for the proposed, residential use.

**ANSWERS TO QUESTIONS**

File No. PLN 2009-00112

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- e. **Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?**

**No Impact.** The proposed project is for the subdivision a development of two single-family residences on one of the proposed four lots. Introduction of this use will not intensify the activities of the existing area, nor be in conflict of the parcel's allowed use under the C-1 zoning regulations.

- f. **Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?**

**No Impact.** The proposed development would not negatively affect the capacity of any public facilities.

- g. **Generate any demands that will cause a public facility or utility to reach or exceed its capacity?**

**No Impact.** No activities are being performed with the approval of the proposed subdivision and proposed dwellings that would not result in exceeding public facility capacity.

- h. **Will (or could) this project be adjacent to or within 500 feet of an existing or planned public facility?**

**No Impact.** Activities related to this project are not adjacent to an existing or planned public facility.

- i. **Create significant amounts of solid waste or litter?**

**No Impact.** No activities are being performed with the approval of the proposed development that would result in significant amounts of solid waste or litter.

- j. **Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?**

**No Impact.** The proposed development will not result in a substantial consumption any fossil fuels.

**ANSWERS TO QUESTIONS**

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- k. **Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?**

No Impact. The proposed project would not include or require a change in County or community plans, policies or goals.

- l. **Involve a change of zoning?**

No Impact. The existing parcel is currently spilt zoned between Planned Agricultural District (PAD), and Neighborhood Business District (C-1). The tentative map proposes to create the areas currently zoned as PAD into one parcel, with the remaining C-1 areas as three parcels using the existing zoning delineation.

- m. **Require the relocation of people or businesses?**

No Impact. The proposal would not require the relocation of people or businesses.

- n. **Reduce the supply of low-income housing?**

No Impact. The proposed project does not include or replace any low-income housing.

- o. **Result in possible interference with an emergency response plan or emergency evacuation plan?**

No Impact. The proposed project would not interfere with any emergency response or evacuation plans.

- p. **Will (or could) this project result in creation of or exposure to a potential health hazard?**

No Impact. The proposed project will not involve any activities that will result in the creation of or exposure to a potential health hazard.

**7. AESTHETIC, CULTURAL AND HISTORIC**

- a. **Will (or could) this project be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?**

Yes, Not Significant. The project is located within the Cabrillo Highway State Scenic Corridor. The location of the proposed development, however, is not visible

**ANSWERS TO QUESTIONS**

File No. PLN 2009-00112

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from Cabrillo Highway, and is located next to several others existing development in the immediate vicinity.

- b. **Obstruct scenic views from existing residential areas, public lands, public water body, or roads?**

**No Impact.** The proposed project would not obstruct any scenic views.

- c. **Will (or could) this project involve the construction of buildings or structures in excess of three stories or 36 feet in height?**

**No Impact.** The proposed project will not involve the construction of any buildings or structures in excess of 36 feet.

- d. **Directly or indirectly affect historical or archaeological resources on or near the site?**

**Yes, Significant Unless Mitigated.** There are no known historical or archaeological resources on or near the site. However, historical or archaeological resources may be unearthed during the grading activities. In order to mitigate the potential effects on unknown resources, the following mitigation measure is required.

**Mitigation Measure 4:** Should cultural resources be encountered during site work, all work shall immediately be halted in the area of discovery and the applicant shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the applicant. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

- e. **Will (or could) this project visually intrude into an area having natural scenic qualities?**

**Yes, Not Significant.** The site's visibility is limited to within the subject site and immediate area given the topography and vegetation surrounding the site. Further, the development is clustered near existing development.

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**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

TDD (415) 597-5885



AUG 08 2011

CALIFORNIA  
COASTAL COMMISSION**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Shauna McKenna and David Rhodes

Mailing Address: P.O. Box 106

City: San Gregorio

Zip Code: 94074

Phone: 650/346-4671

650/544-9521

**SECTION II. Decision Being Appealed****1. Name of local/port government:**

San Mateo County Planning Commission

**2. Brief description of development being appealed:**

1) "Minor Subdivision" 2) Grading Permit 3) Use Permit and Coastal Development Permit 4) Architectural Review Permit 5) Certification of a Mitigated Negative Declaration for a subdivision of a 12/4 acre parcel into four parcels and development of two single family dwellings on a single proposed parcel located at 7625 Stage Road in the unincorporated San Gregorio area of San Mateo County.

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

7625 Stage Road, San Gregorio, APN: 081-013-090. Situated at the rural service center of San Gregorio located within a small valley where State Route 84/La Honda Road and Stage Road intersect. The San Gregorio Creek runs through the area, and flows out to San Gregorio State Beach 9/10 of a mile west. Surrounding hillsides are used for agricultural uses. Is within the Cabrillo Highway State Scenic Corridor.

**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-11-032

DATE FILED:

8/9/11

DISTRICT:

North Central Coast Dist.

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

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

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

6. Date of local government's decision: July 26, 2011

7. Local government's file number (if any): PLN 2009-00112

**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:

George and Mary Cattermole P.O. Box 71 San Gregorio, CA 94074

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) Shauna McKenna & David Rhodes, PO Box 106 San Gregorio
- (2) Kerry L. Burke, 34 Amesport Landing, Half Moon Bay, CA 94019
- (3) Cathy (Staff) Chenoweth, 7365 Stage Rd. San Gregorio
- (4) Kathleen Armstrong PO Box 44 San Gregorio

(5) Ron Sturgeon, San Gregorio Resident spoke at both BOS Hearings

(6) Total Compliance Management, Evan W.R. Edgar Edgar & Associates, Inc. 1822 21st Street  
Sacramento, Ca 95811

(7) Bill and Georgy Sanders P.O. Box 167 San Gregorio

(8) Rex Geitner, San Mateo Agricultural Advisory Committee, Farm Bureau Offices 765 Main Street,  
Half Moon Bay

(9) Lynn Ross, P.O. Box 26 San Gregorio

(10) Donald Jepsen and Dana O'Neill, 588 La Honda Road San Gregorio

## **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.

#### **Cattermole Appeal**


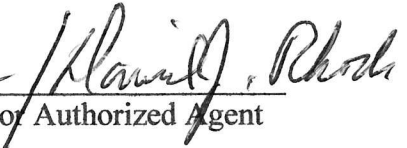
1. Creation of substandard PAD parcel – on-going residential use
2. Creation of a substandard Commercial parcel for the San Gregorio store that provided NO off street parking. No parking for employees, No parking for Post Office. Only 935 square feet claimed as commercial space for the Store. No parking for the apartment.
3. Conversion of commercial zoned parcels into solely Residential use.
4. Residential uses proposed on all 5 parcels created by Cattermole
5. Inadequate environmental studies for red-legged frogs / SF garter snake
6. Inadequate environmental studies regarding drainage
7. Inadequate environmental studies regarding septic
8. Inadequate info regarding impacts to domestic water source
9. Conversion of prime soils within the Rural Service center not intended for residential use
10. Conversion does not meet the test of LCP policy 1.12(a) – easement needed to ensure compliance regarding local housing needs
11. Subdivision is not required to create additional dwelling units and would tie the housing to the Store.
12. County ignored Ag Ad committee's recommendation to increase the size of the PAD parcel and reduce the number of residential units.
13. On street parking creates congestion and will be more problematic once additional residential units are constructed.
14. Parcel map has an omission of property in the northeast corner of the map. This map would be creating 6 Cattermole parcels in its current configuration and is considered a Major Subdivision.

15. No analysis of the impacts from the store and other buildings on Cattermole property were made by San Mateo County Staff.
16. The existing (15 years) use of the barn as 3 living units should not be legalized. Barn is on prime soils and there is no agriculture on site, therefore in this case the additional housing units should not be allowed and should be demolished immediately.
17. Piece meal approach to maximizing the development and conversion of this sensitive property should be scrutinized.
18. Why did the CCC appeal Paul McGregor's single home on 16 acres and not this application to create 6 lots from 14 acres?
19. San Mateo County did not require Agricultural Easement on the created PAD parcel in conflict with ordinance.
20. Blacksmith shop was always a commercial use – converted illegally by Cattermole's to residential use.
21. July 26, 2011 Board of Supervisors meeting George Cattermole states that red-legged frogs were on this property and that he graded a pond (without permits).
22. Williamson Act contract was on Cattermole parcel until last year without agricultural use and 6 (six) illegal residential units.
23. Agricultural Advisory recommendation of only 2 parcels was ignored by San Mateo County.
24. No archaeology study done in an area noted for habitation by pre-europeans. There is physical evidence of a finding within 300 feet of proposed parcel 3.
25. Graphics to be developed shown Before, During and After Cattermoles ownership/development scheme.
26. A hydrological study is needed to determine potential impacts and mitigation.
27. NO WHOLESALE CHANGE OF SAN GREGORIO RURAL SERVICE CENTER INTO CATTERMOLLE RESIDENTIAL DEVELOPMENT

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

   
Signature of Appellant(s) or Authorized Agent

Date: 8/8/11

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize

\_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

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

**To: California Coastal Commission**

**From: Shauna McKenna / David Rhodes (Appellants)**

**Date: August 9, 2011**

**RE: Cattermole / San Gregorio Subdivision Appeal**

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COASTAL COMMISSION  
NORTH CENTRAL COAST

We know the complexities of the mixed zoning of this proposed subdivision/development and the LCP's we are left to rely on do not align with nor represent the intent of the historic and rural agricultural lands of San Gregorio. Please look beyond San Mateo County's approved plans and realize this residential development is not appropriate for a designated California Critical Coast Area.

The Cattermole lands should be devoted to commercial uses and not residential. The Cattermole's have previously subdivided and sold off the parcel we own. They don't need this subdivision to build the two houses they have proposed. If you do not approve this subdivision then the houses are truly linked to the General Store on a C-1 zoned acreage.

**Water and Septic system concerns:**

The increased water and septic demands that the proposed development will place on the existing water supply system will have the potential to significantly adversely affect our personal health and our home's viability, as well as our neighbors who are also concerned. We are worried about the system's ability to continue to provide sufficient clean water under the added demands of the proposed developments and we are concerned that the added impact on the waste disposal systems will potentially contaminate our water supply. A thorough investigation needs to be conducted to quantify whether the existing on site resources can appropriately provide the water supply and disposal requirements that will be placed upon them by the new development.

Our well is located in close proximity to the spring, the well and the leach field that serves the San Gregorio General Store and the existing residences and the proposed development. The impacts of the increased usage of the waste disposal mechanisms are unknown, and the impacts of that on the quality of our drinking water supply are also unknown.

Additionally we are also significantly concerned about the impact of the increased number of septic systems on our quality of life. The soil found on this property consist of clay. When it is wet, it is a thick muck. When dry, it is as hard as concrete. Currently, under certain conditions the presence of the leach field behind our home creates puddles of standing water that emit a repugnant odor. This odor is undeniably derived from

human waste and we can only imagine that it will not improve with the increased usage associated with the proposed subdivisions and development.

The redwood septic tank that is currently supporting the illegal residence/barn needs to be addressed. We are concerned about raw sewage coming out of the tank. Cattermole's were asked to have it pumped out during our appeal. Cattermole's run a public business and stated that they learned they needed to divert to their 2<sup>nd</sup> leach field and to pump their septic systems. This indicates poor land stewardship and leaves us very concerned that the county has left us in a fix it mode. The Board of Supervisors asked us to complain, if there are issues during or after the development, to the same departments that put us in this compromised position.

What impact will the proposed parcel 3 and 4 have on our well and septic system? Those project plans and proposed homes aren't on the table yet, but they will impact us when they are sold and developed by another party. Parcel 3 is commercially zoned and Parcel 4 is on prime soils with 1 house allotted each. What is the real impact to our water viability and well water quality? If these concerns are not mitigated, **our health is being put at risk.**

#### **Drainage issues:**

In addition to our drinking water and waste disposal concerns we are also worried about the effect of the proposed development on surface runoff. Currently, during periods of frequent rain, puddles of standing water develop on site. The proposed development is located uphill from our property, and we are concerned that the increased runoff associated with the development will flood our property. The current culvert system, which runs in front of our parcel, is not adequate or effective today. There is no municipally maintained storm water drainage system. These culverts become clogged and do not transport water away from our property effectively.

#### **Visual Impacts and Inaccurate Parcel Maps:**

All 4 buildings of the proposed development are within the view shed of the coastal scenic highway. To our knowledge all proposed development within the coastal scenic highway view shed requires the construction of story poles to assess the visual impact of the development on the community.

Why did the California Coastal Commission appeal Paul McGregor's single home on 16 acres and not this application to create 5 lots from 14 acres?

These projects could significantly increase the residential population of "downtown" San Gregorio and any development needs to be reviewed very carefully.

The parcel map found in the final staff report has an omission of property in the northeast corner of the map. This map would be creating 6 Cattermole parcels in its current configuration and is considered a Major Subdivision. This is the location where the

“shed” is shown in and out of 2 separate maps. This is the shed that has had an illegal resident for 20 years without a legal septic system.

### **Biological and Archeological concerns:**

The Coastside Habitat Coalition (CHC) is a 501(C) organization founded by George Cattermole with the intent of protecting endangered species and their habitat.

The red-legged frog has been found on this proposed housing development. This occurred when we were members of the Coastside Habitat Coalition. Dr. Dan Holland, a noted herpetologist, was hired by the CHC to help identify areas that may have red-legged frog populations living on them. There were several finds in the area by Dr. Holland: near the mouth of San Gregorio creek at Highway 1, under the Stage Road bridge of San Gregorio Creek and on the Cattermole property. These finds are less than a mile away from the proposed subdivision. They were never filed in the rare find database.

County Staff did a search of the California Natural Diversity Database and said there was no special status species found to occur within two miles of the project areas. When we did research in this same database, we found something that states contrary to county staff's findings. The California red-legged frog has a finding listed that occurred less than a mile from this property. We have included these documents in this packet. See Occurrence #561.

During the July 26, 2011 Board of Supervisors meeting George Cattermole states that red-legged frogs were on his property and that he graded a pond (without permits). The hearing was recorded and is viewable from their website /archive.

In addition, the Coho and steelhead fish are attempting a comeback in San Gregorio creek, which lies several hundred yards from this area. Degradation of the stream environment is a distinct possibility with the additional burden of infrastructure that this development brings.

Another issue of concern is the stress on sensitive archeological areas. Our research indicates that the San Gregorio valley was part of the Ohlone Native American traditional territory. No archeological investigation was conducted prior to permission for this proposed development.

We do have physical evidence of an archeological item that was found within 300 feet of this proposed subdivision and the recording of such a find if you would like to see them.

### **Commercial Use and Parking:**

In addition, any future commercial changes in the C-1 area should require onsite parking. This was not included in the proposed parcel for the store. **There needs to be adequate on site parking for the existing business, so it does not adversely impact the**

**surrounding area.** The current parking is public right of way and should be reviewed further. The store parcel must comply with off-street parking requirements, per the County parking ordinance.

On busy weekends the parking extends above and below the General Store on Stage Rd. and onto highway 84, in front of our property.

#### **Change in Use to Residences:**

Another issue is the notion of a rural service center. This project completely changes the intent of the Local Coastal Plan and now there is only one small commercial parcel and the rest of Cattermole property has been converted to residential use.

Why wasn't there an analysis of the existing buildings prepared? There is a rental apartment above the general store, and an illegal shed that has been used for a residence for 20 or more years. The shed does not have a legal septic system.

Proposed Parcel #4: The existing (15 years) use of the "dairy barn" has been converted to 3 separate rental units. This Barn is on prime soils and there is no agriculture on site, therefore in this case the additional housing units should not be allowed. The county has approved the project for one home in addition to the barn as a residence.

The "Black Smith Shop" was always a commercial use. It has been converted to a rental unit illegally.

The two new homes on Parcel 1 have been approved for non-owner occupancy, which will bring the total residential uses to 8 residences, including the one the Cattermole's currently reside in.

#### **Conversion of Prime Soils:**

San Mateo County ignored the Agricultural Advisory Committee's recommendation of only 2 parcels and to increase the size of the PAD parcel and reduce the number of residential units.

San Mateo County did not require Agricultural Easement on the created PAD parcel and is in conflict with ordinance. The conversion does not meet the test of LCP policy 1.12(a)-easement needed to ensure compliance regarding local housing needs.

**This project creates a substandard PAD parcel. Parcel 3 and Parcel 4 have proposed houses on prime soils. This is not allowed per LCP policy 5.7c and 5.8. Also Policy 5.7 prohibits dividing prime soils, which this project does. Why was the Agricultural Component not used to review this project that has Agricultural Zoning?**

Does the conversion of prime soils within the Rural Service Center allow for residential use?

**The Williamson Act contract was on Cattermole parcel until last year without agricultural use and 3 illegal residential units.**

### **Requested Action Items**

In light of our previously stated concerns, we requested that the Board of Supervisors require the permit applicant to take the following actions prior to granting their permission for the proposed development. County Staff determined this unnecessary.

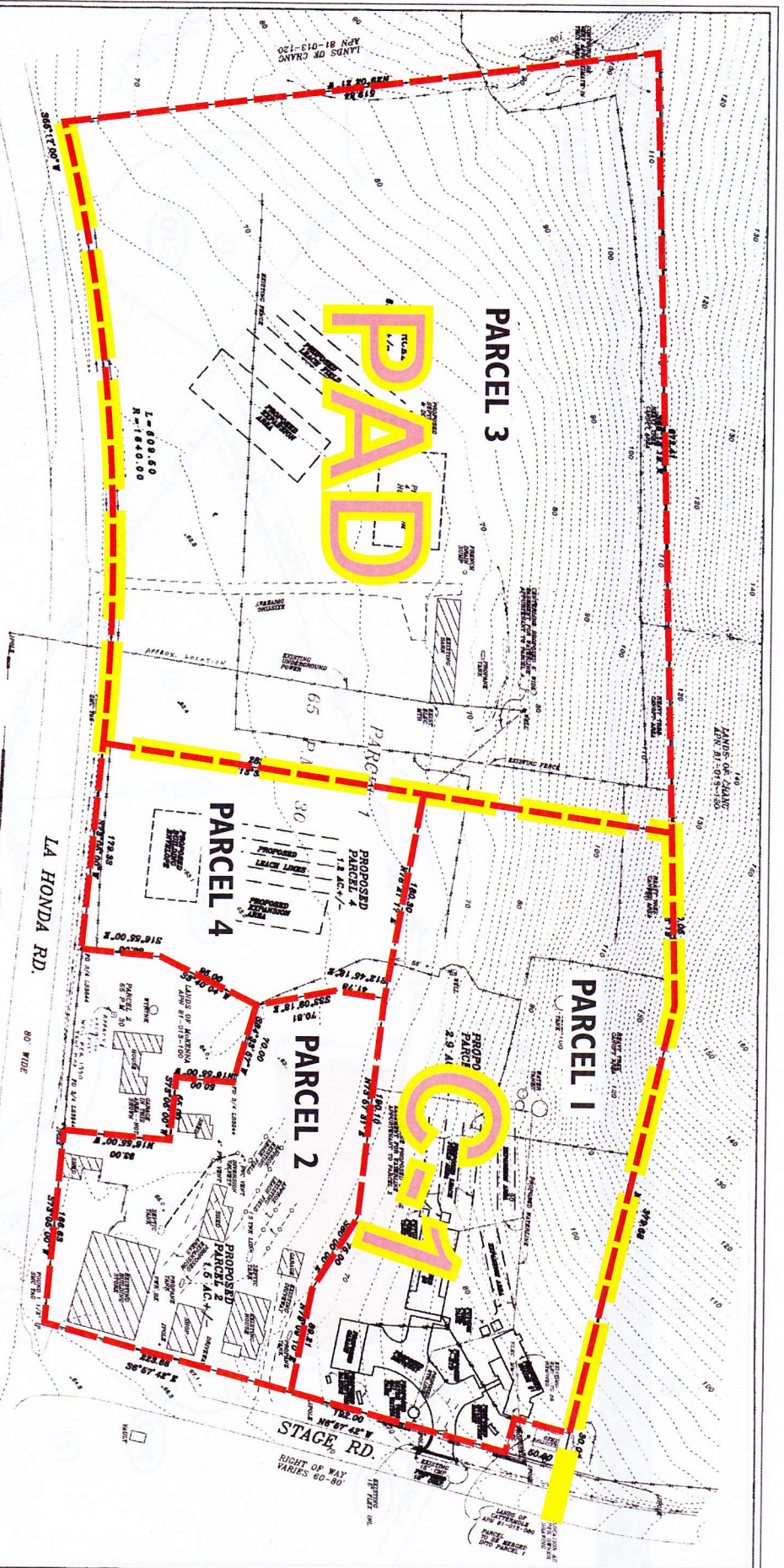
1. Conduct a through hydro geologic investigation of the property, including, but not limited to;
  - a. Establishing the hydraulic conductivity of the existing site wells, to ensure there is adequate water supply available for current and future demands on the limited resource.
  - b. Investigating the hydraulic connectivity of the tapped aquifer that contains our well, with the surface and shallow water tables to ensure that there is zero potential for contamination of our drinking water well by the existing or proposed onsite waste disposal systems.
  - c. Investigating the onsite spring to ensure that future use will not deplete the resource.
2. Conduct a thorough chemical analysis, including all potential constituents, of all onsite water sources. Environmental Health took a sample of the standing water near applicants septic system and found contamination on 2/16/11. We've asked for follow-up results after the repair to tank was completed.
3. Conduct a thorough Environmental Impact Report or a biological study that includes an endangered species survey to ensure that no endangered habitat is compromised.
4. Provide evidence that the proposed development will not increase the surface runoff to our property.
5. Conduct an archeological investigation to identify any potential cultural resources.
6. Construct story poles and fulfill all other actions to be in compliance with all other coastal scenic highway regulations.

The Board of Supervisors have ignored our request that the CEQA document be re-circulated to the State Clearing House and the public for the required 30 days before making their decision. The Board of Supervisors did not notify us of their hearing 10 days before their meeting (as is their policy).

In closing, we ask that you please regard the ramifications of going forward with this residential expansion. The proposed development is in the middle of a spring-fed wetland. Given the overwhelming indication of the endangered red-legged frog, the county's lack of vision in opening land to sub-division, and most importantly, the impact

of residential development on California critical coast area, we ask for your support in considering this appeal.

The community of San Gregorio doesn't want a wholesale change of the San Gregorio Rural Service Center into the Cattermole Residential Development.



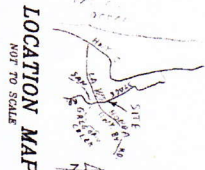
# Tentative Map

## San Mateo County Planning Commission's Meeting

Owner/Applicant: **Cattermole**  
File Numbers: **PLN 2009-00112**

Attachment: **C**

1. ELEVATIONS AND CORNERS: THE BOUNDARY LINES OF THIS MAP ARE BASED ON THE FOLLOWING DATA:
  - a. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
  - b. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
2. SCALE: 1" = 40' CONVENTIONAL INTERVAL - 5'
3. THIS MAP DOES NOT REPRESENT A FINAL, UNLAWFUL SURVEY. ANY SURVEY MADE FOR THE PURPOSES OF THIS MAP IS SUBJECT TO THE APPROVAL AND FINAL DETERMINATION OF THE SAN MATEO COUNTY PLANNING COMMISSION.
4. NO RECORD SURVEYING, BEING AUTHORIZED TO BE A REQUIREMENT FOR THE PURPOSES OF THIS MAP, IS REQUIRED FOR THE PURPOSES OF THIS MAP.
5. THE BOUNDARY LINES OF THIS MAP ARE BASED ON THE FOLLOWING DATA:
  - a. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
  - b. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
6. THE BOUNDARY LINES OF THIS MAP ARE BASED ON THE FOLLOWING DATA:
  - a. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
  - b. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
7. THE BOUNDARY LINES OF THIS MAP ARE BASED ON THE FOLLOWING DATA:
  - a. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
  - b. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
8. THE BOUNDARY LINES OF THIS MAP ARE BASED ON THE FOLLOWING DATA:
  - a. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
  - b. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
9. THE BOUNDARY LINES OF THIS MAP ARE BASED ON THE FOLLOWING DATA:
  - a. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
  - b. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
10. THE BOUNDARY LINES OF THIS MAP ARE BASED ON THE FOLLOWING DATA:
  - a. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
  - b. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.



REVISOR 3/24/10/10/09  
**TENTATIVE MAP**  
THE BOUNDARY LINES OF THIS MAP ARE BASED ON THE FOLLOWING DATA:
 

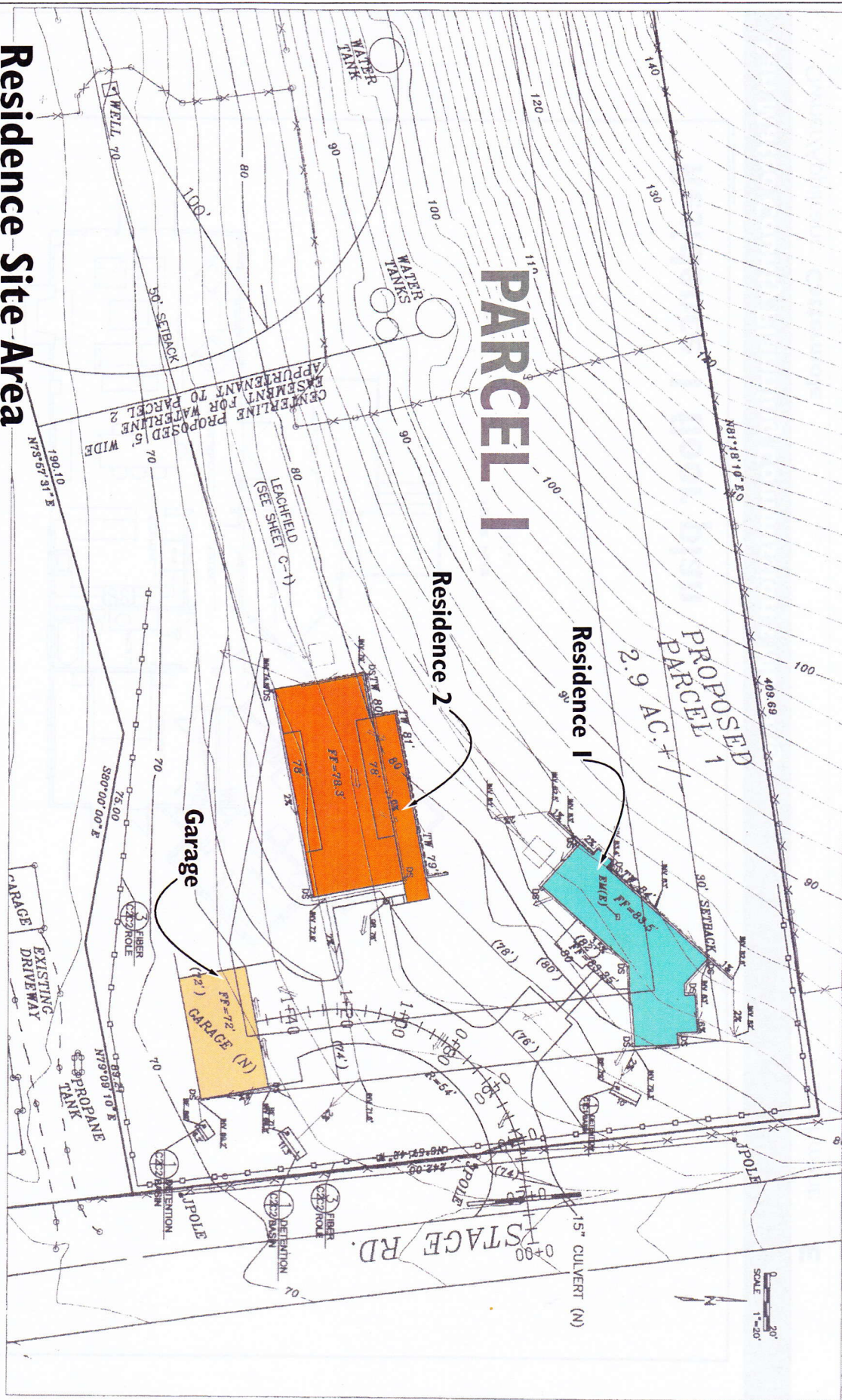
- a. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.
- b. THE CORNERS OF THE TRACT ARE MARKED BY IRON PIPES SET WITH AN ELEVATION OF 150.00 FEET.

 GEORGE AND - CATTERMOLE  
SAN MATEO COUNTY  
650 728 9600  
PROPERTY ADDRESS IS 7622 STAGE ROAD  
SAN MATEO COUNTY  
SCALE 1" = 40'  
**TURROSE LAND SURVEYING**  
REMOVED BOX 6448 94043 725 EAST MAIN ST. SUITE 4  
(650) 324-3318  
REMOVED BOX 6448 94043 725 EAST MAIN ST. SUITE 4  
(650) 324-3318

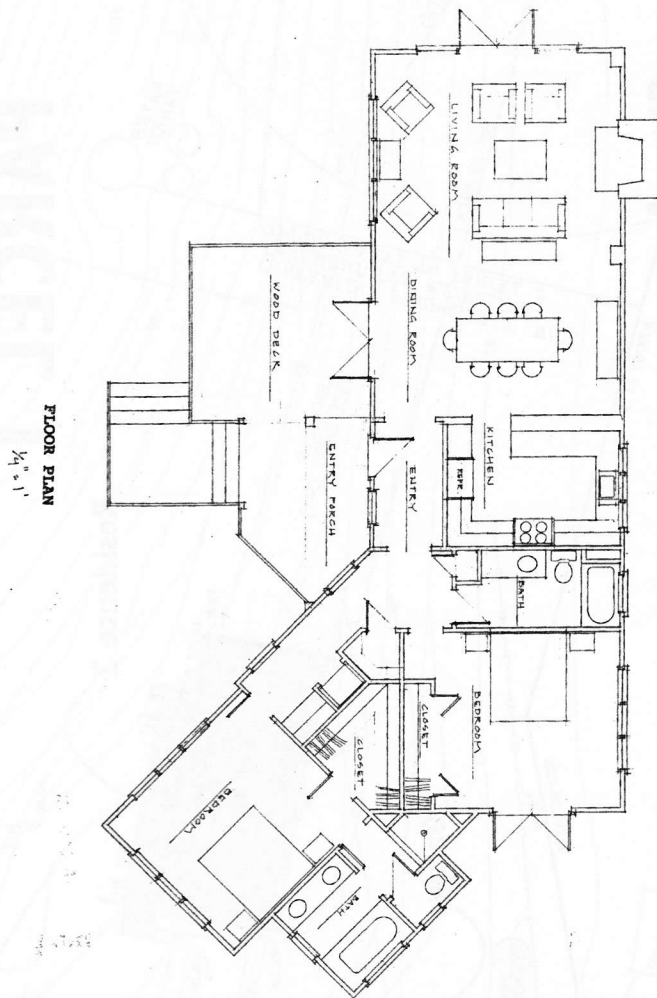
## Residence Site Area

Attachment: **D**

File Numbers: **PLN 2009-00112**



RESIDENCE #1  
A 1,800 square foot wood frame  
single family home with two  
bedrooms and two bathrooms.



## Residence 1 floor plan

### San Mateo County Planning Commission's Meeting

Owner/Applicant: **Cattermole**

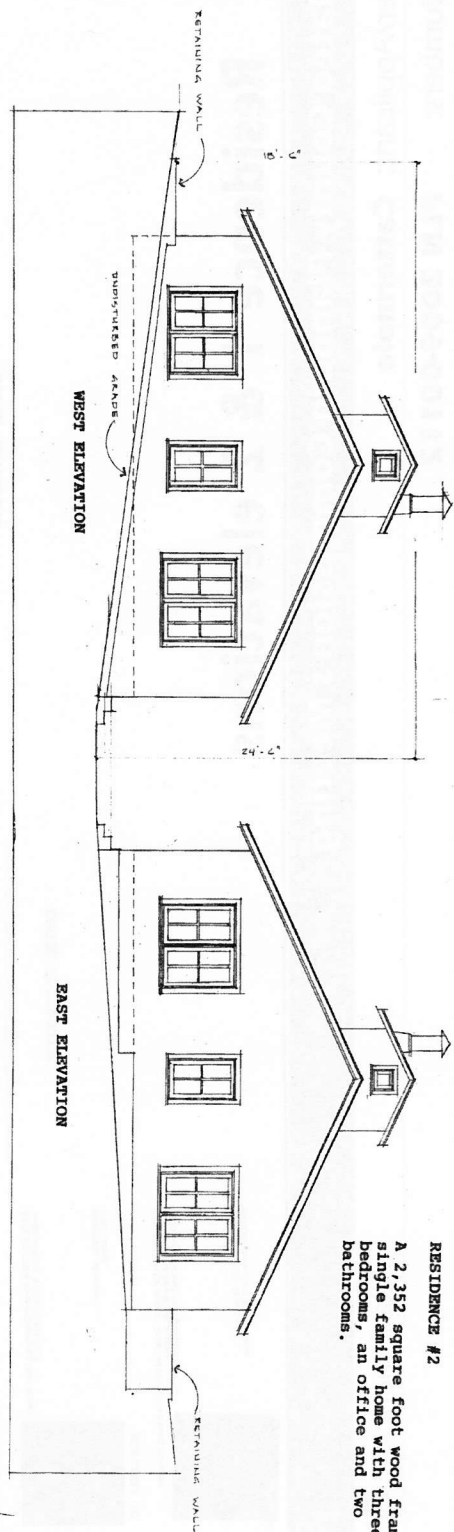
File Numbers: **PLN 2009-00112**

Attachment: **E**

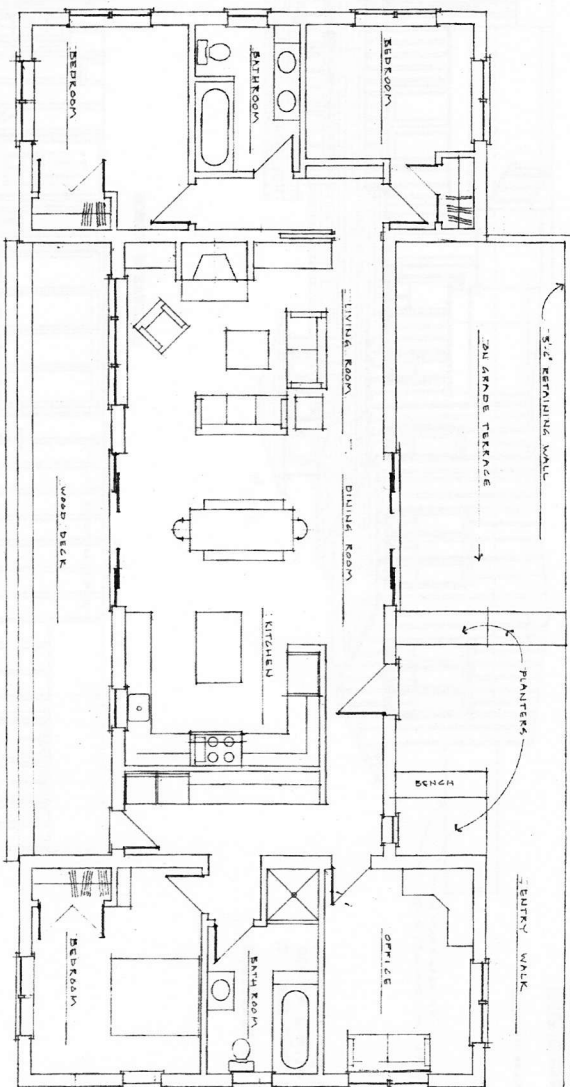
## Residence 2 floor plan & elevations

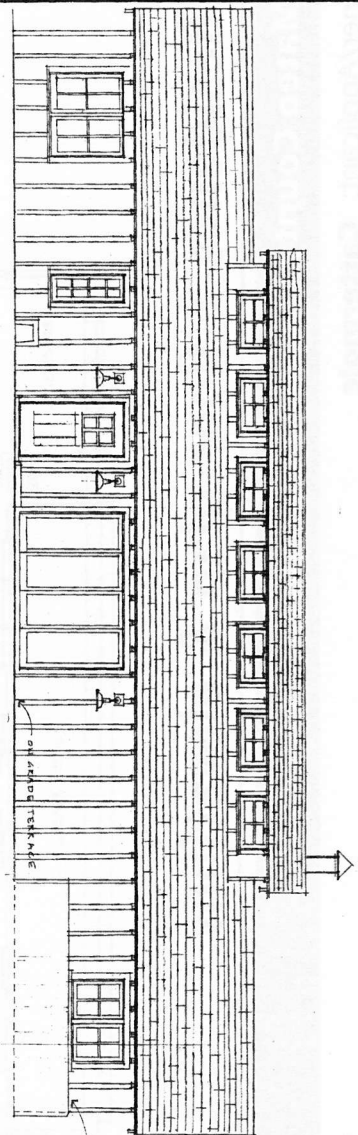
**F** Attachment:

**RESIDENCE #2**  
A 2,352 square foot wood frame single family home with three bedrooms, an office and two bathrooms.



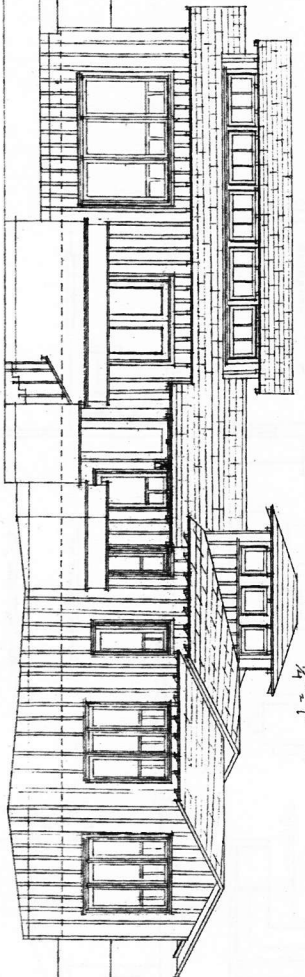
**FLOOR PLAN**





NORTH ELEVATION

**RESIDENCE #2**  
A 2,352 square foot wood frame single family home with three bedrooms, an office and two bathrooms.



SOUTH ELEVATION

**RESIDENCE #1**  
A 1,800 square foot wood frame single family home with two bedrooms and two bathrooms.

SOUTH ELEVATION

RESIDENCE #1 and #2 and Garage  
ROOFING: Asphalt composition shingles  
Siding: Hardwood (100%)  
CEILING: Hardwood (100%)  
EXTERIOR TRIM: Painted Cedarwood Fiber Cement  
Exterior Doors: Stained Green HCT10  
WINDOWS: Aluminum  
Color: Bronze  
EXTERIOR WALLS: Painted Cedarwood Fiber Cement  
Exterior Walls: Stained with Natural Cedar  
Exterior Walls: Stained with Natural Cedar  
Exterior Walls: Stained with Natural Cedar  
ENTRANCE DECK: Natural wood  
Hardwood floors natural treated oil finish



# San Mateo County Planning Commission's Meeting

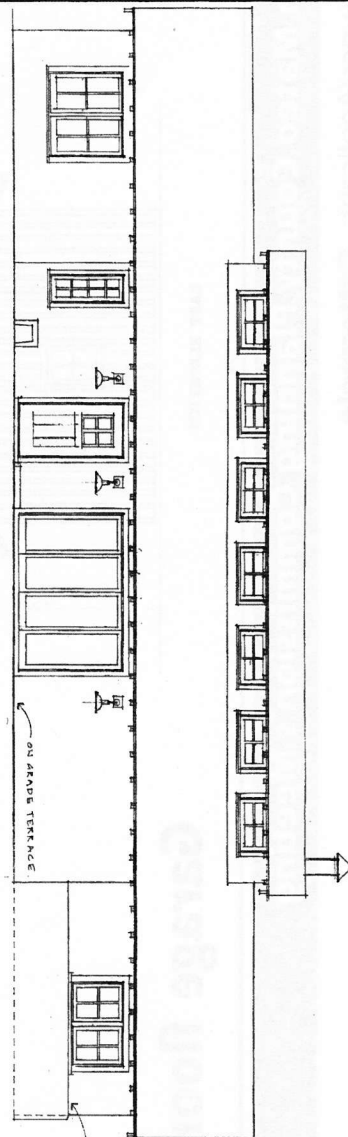
Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

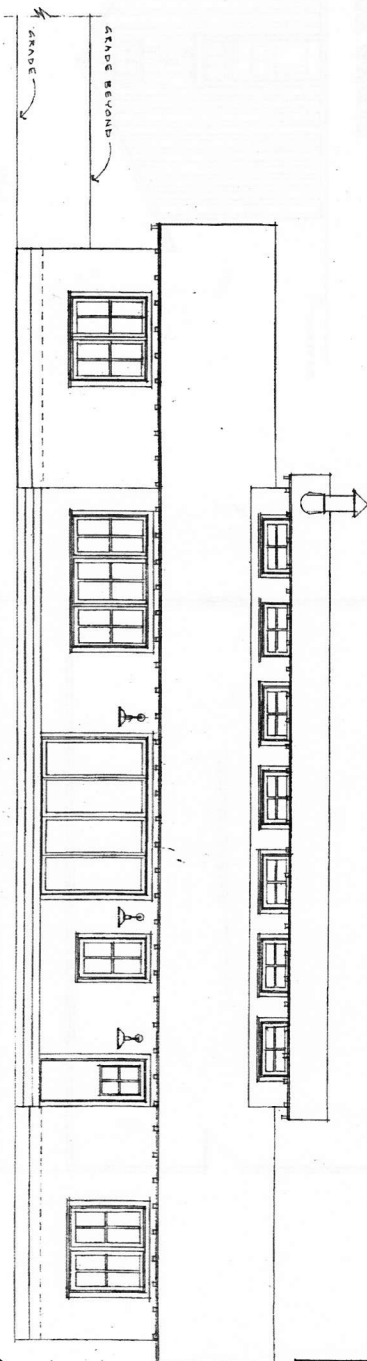
Attachment: **G**

**RESIDENCE #2**  
 A 2,352 square foot wood frame  
 single family home with three  
 bedrooms, an office and two  
 bathrooms.

**NORTH ELEVATION**



**SOUTH ELEVATION**



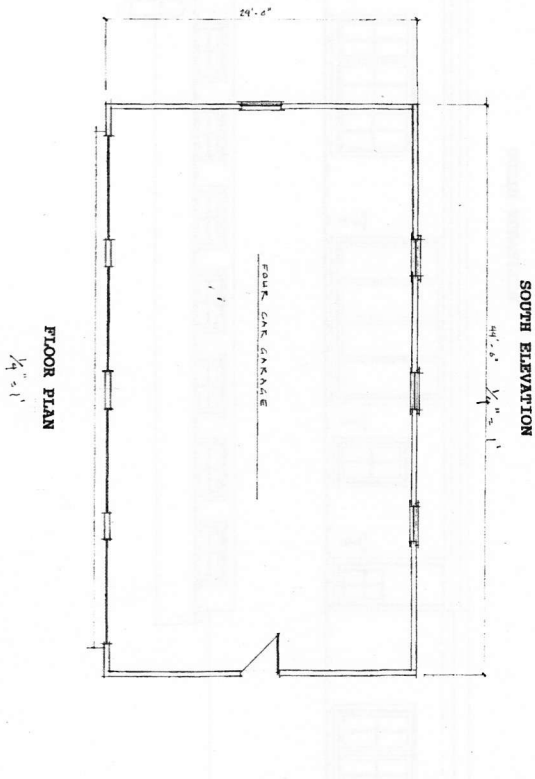
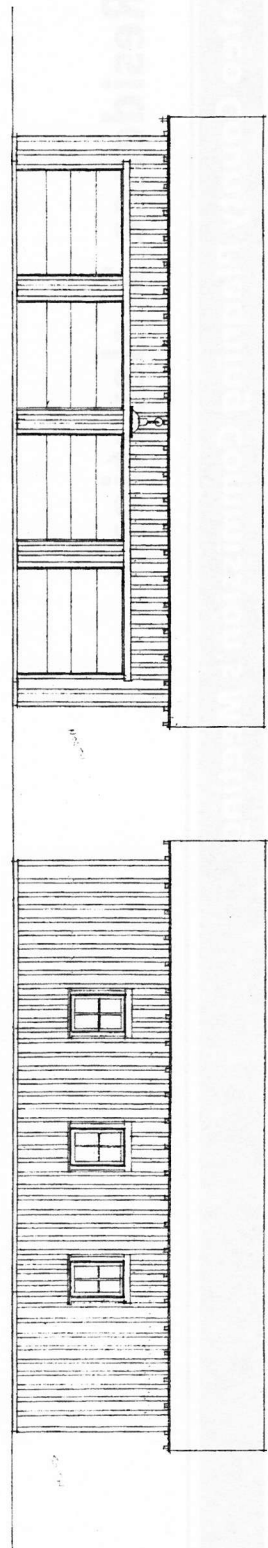
## Residence 2 elevations

### San Mateo County Planning Commission's Meeting

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

Attachment: **H**



## Garage floor plan & elevations

### San Mateo County Planning Commission's Meeting

Owner/Applicant: **Cattermole**

File Numbers: **PLN 2009-00112**

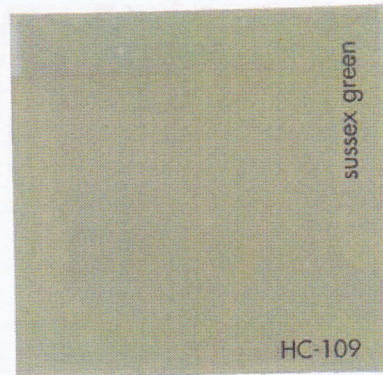
Attachment: **1**

RESIDENCES #1 and #2 and Garage

ROOFING: Ashalt composition shingles  
Certaineed Weathered Wood



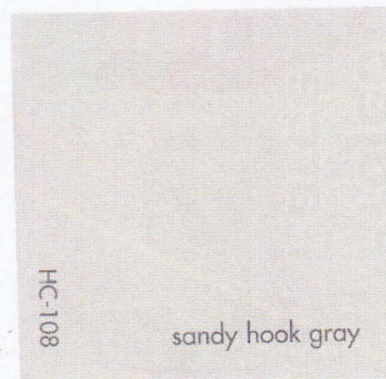
EXTERIOR TRIM: Painted Certaineed Fiber Cement  
Benjamin Moore Sussex Green HC109



WINDOWS: Aluminum  
Color: Bronze

BENJAMIN MOORE®  
COLOR PREVIEW® HC

EXTERIOR WALLS: Painted Certaineed Fiber Cement board and batten  
smooth vertical siding with vertical battens  
Benjamin Moore sandy hook gray HC108



ENTRANCE DECK: Natural wood  
Redwood-Watco natural linseed oil finish

## San Mateo County Planning Commission Meeting

Applicant: **Cattermole**

Attachment: **J**

File Numbers: **PLN2009-00112**

**Dreher, Nicholas@Coastal**

---

**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Wednesday, December 07, 2011 8:07 AM  
**To:** Nicholas Dreher  
**Subject:** Cattermole San Gregorio Project  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hello Nick,

Regarding the concern you have expressed about the possibility of threatened species being harmed by our project, I would point out that the County has required us to "...have a qualified biologist conduct a pre-construction survey for the California Red-Legged Frog and San Francisco Garter Snake...". The only construction planned and approved at this time is on proposed Parcel One. Should anyone want to construct anything on Parcels 3 and 4, a Coastal Development Permit would be required and presumably the County would require "pre-construction" surveys. As we have previously noted, almost all, if not the entire San Mateo Coast is habitat for the CRLF as they migrate up to a mile from their breeding habitat which is in streams and ponds. In light of this fact it would seem that a "pre-construction" survey is required to make sure no species are present while construction is underway. Will we be required to do another study at that point?

The claim that our property contains wetlands is patently false. Our plan has always been to create habitat with our man-made spring in order to provide habitat for the species. One of the primary reasons the CRLF survives is that it has found habitat in agricultural ponds developed by ranchers and farmers.

George Cattermole

**Dreher, Nicholas@Coastal**

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**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Sunday, December 11, 2011 9:27 AM  
**To:** Nicholas Dreher  
**Subject:** Fwd: Cattermole San Gregorio Project Addendum  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hello again Nick, I just realized I should clarify the meaning of "man-made spring" - what I am referring to is a horizontal well in the side of our hill which we understand was dug early last century.  
 George Cattermole

Begin forwarded message:

**From:** "Nicholas Dreher" <[ndreher@coastal.ca.gov](mailto:ndreher@coastal.ca.gov)>  
**Date:** December 9, 2011 3:38:19 PM PST  
**To:** "George Cattermole" <[georgecattermole@earthlink.net](mailto:georgecattermole@earthlink.net)>  
**Subject:** RE: Cattermole San Gregorio Project

Hello Mr. Cattermole,

Thank you for your email. We are taking this seriously, in order to determine whether or not additional information (biological and agricultural) are needed at this time. I understand the concern that such endeavors are costly, so I am working to determine whether they are necessary in this particular case. I will get back to you once I have heard from our biologist. I hope to get back to you sometime next week, as he will not be back until Monday.

Thank you for your patience and understanding as we work to resolve this matter,

Nicholas B. Dreher  
 Coastal Program Analyst  
 California Coastal Commission  
 (415) 904-5251  
[ndreher@coastal.ca.gov](mailto:ndreher@coastal.ca.gov)

---

**From:** George Cattermole [mailto:georgecattermole@earthlink.net]  
**Sent:** Wednesday, December 07, 2011 8:07 AM  
**To:** Nicholas Dreher  
**Subject:** Cattermole San Gregorio Project

Hello Nick,

Regarding the concern you have expressed about the possibility of threatened species being harmed by our project, I would point out that the County has required us to "...have a qualified biologist conduct a pre-construction survey for the California Red-Legged Frog and San Francisco Garter Snake...". The only construction planned and approved at this time is on proposed Parcel One. Should anyone want to construct anything on Parcels 3 and 4, a Coastal Development Permit would be required and presumably the County would require "pre-construction" surveys. As we have previously noted, almost all, if not the entire San Mateo Coast is habitat for the CRLF as they migrate up to a mile from their breeding habitat which is in streams and ponds. In light of this fact

it would seem that a "pre-construction" survey is required to make sure no species are present while construction is underway. Will we be required to do another study at that point?

The claim that our property contains wetlands is patently false. Our plan has always been to create habitat with our man-made spring in order to provide habitat for the species. One of the primary reasons the CRLF survives is that it has found habitat in agricultural ponds developed by ranchers and farmers.

George Cattermole

## Dreher, Nicholas@Coastal

---

**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Monday, December 12, 2011 7:18 AM  
**To:** Nicholas Dreher  
**Subject:** More information

**Follow Up Flag:** Follow up  
**Flag Status:** Red

12/11/11

Dear Mr. Draher:

The appellants allege, without any supporting data, that "the whole property is a spring-fed wetland". This is not the case. When we had perc tests done for parcels #1, 3, and 4, numerous large holes were dug on each of those parcels. Langley Hill (the company which performed the tests) indicated on the perc test data sheet for each parcel that water was found 11 feet down. If you would like copies of these data sheets, we can fax them to you.

A cursory search of the internet returns results which state that a wetland must contain all three of the following: wetland hydrology, hydritic soils, and hydrophytic vegetation. In order to have hydritic soils "the general rule of thumb is that if the upper 12" of the soil is saturated 12.5% of the growing season, the soil will be hydritic."

Turning to our property, water was found 11 feet below ground level. This is a much greater distance than the 12 inches which would make the soil hydritic. Therefore, the hydritic soil requirement is not met. Because all three requirements must be met for the area to be a wetland, the failure to meet this requirement would mean that the property is NOT a wetland and that there is no need to explore the other requirements.

You have made reference to your need for additional agricultural information. While not exactly sure what you have in mind we will be glad to provide that information if we can.

Thanks for your attention to these matters.

George Cattermole

**Dreher, Nicholas@Coastal**

---

**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Saturday, December 03, 2011 5:16 AM  
**To:** Nicholas Dreher  
**Subject:** letter

Hello Nick - Regarding the letter you mentioned you will be sending - I never asked, but assumed you would be sending it snail mail - could you also e-mail me the letter?  
Thanks, George Cattermole

## Dreher, Nicholas@Coastal

---

**From:** George Cattermole [gbcattermole@gmail.com]  
**Sent:** Friday, January 13, 2012 5:00 PM  
**To:** Nicholas Dreher  
**Subject:** Re: Appeal Application

Hello Nick,

Thanks for getting back and for your work on this. We hope we can have the hearing in March and will gladly travel to wherever it is held. Again, please let us know if there is anything we can do to facilitate your efforts on this matter. George Cattermole  
On Jan 12, 2012, at 1:41 PM, Nicholas Dreher wrote:

>  
> Hello Mr. Cattermole,  
>  
> I received your voicemail message regarding your application. I  
> apologize for not returning your message until now but I was out the  
> past two days for personal reasons. Our North Central District is  
> currently experiencing a restructuring, which has resulted in a new  
> set of supervisors on my end who have asked to review your application  
> prior to moving forward. Accordingly, we will not be able to make the  
> February hearing. I want to assure you we are still actively  
> analyzing the various appeal issues that have been raised in order to  
> move this forward as quickly as possible. This application and the  
> appeal contentions present a number of complicated issues that we need  
> to properly address. I appreciate your ongoing patience. I can  
> assure you the current timeframe you have endured is not uncommon  
> given our staff limitations. I appreciate your frustration with the  
> amount of time this has taken. I am meeting with my new supervisor  
> late next week to review your application to get to the bottom of our  
> concerns, so we can move forward.  
>  
> Going forward, I ask that all inquiries/concerns you have be made  
> either by letter to this office or by email to me.  
>  
> Sincerely,  
>  
>  
> Nicholas B. Dreher  
> Coastal Program Analyst  
> California Coastal Commission  
> 45 Fremont Street suite 2000  
> SF, CA 94105  
> (415) 904-5251  
> ndreher@coastal.ca.gov  
>  
>

## Dreher, Nicholas@Coastal

---

**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Monday, February 13, 2012 1:44 PM  
**To:** Nicholas Dreher  
**Subject:** Cattermole Project

Dear Mr. Draher:

First, we would like to provide the following chronology of our interactions with you:

The appeal was filed August 1, 2011. We waved the 45 day requirement in reliance on your statements that you needed to visit the property (which you did in August), and that we could expect a hearing in 4 months, if there was no substantial issue, and in 8-9 months, if there was a substantial issue.

In response to our inquiries in Sept. and Oct., you said you were busy with other matters and staff reorganization.

In late November, you said it was now our turn and that you would be making decisions on our case in the next week. You expected a hearing no later than March, 2012.

We waited to hear from you all December. We called your office on January 9, 2012 and were surprised to learn that you had gone on vacation without contacting us. You called back and cited staff reorganization.

We called you on February 8. Again you cited staff reorganization. Again you stated that decisions on our case would be made the next week.

We would respectfully suggest that the Commission implement a policy requiring that parties be contacted once every 30 days and provided with an update on their project.

Finally, you have mentioned that you will be demanding additional information. We think it is important that this additional information not be more burdensome than the information required of Coastal Commissioner Steve Blank when he constructed his 15,000 sq. ft. house on agricultural land in the middle of CA red-legged frog and SF garter snake habitat near Anno Nuevo, CA.

Thanks for your attention to these matters,

George and Mary Cattermole

## Dreher, Nicholas@Coastal

---

**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Tuesday, March 06, 2012 8:42 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** San Gregorio Cattermole project

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hello Nick - could you please let us know if there has been any progress on our project and whether or not there is anything we can do to facilitate your work? Any date set for the hearing? Thanks, George Cattermole

To Dan Carl  
From: George Cattermole  
Re: Cattermole San Gregorio Project

Dear Dan Carl:

My wife has written you regarding our proposed project in San Gregorio. I am following up with this letter which, while it repeats much of the material covered in her letter, nevertheless provides a fuller picture of the history of our project, our reasons for believing that your staff has not been fair in its treatment of our case, and further information which we hope you will give a fair hearing.

In the normal course of a Coastal Commission review, and we have been involved in several of these, one expects the staff to identify issues that need to be addressed and, if needed, request additional information. Your staff has, until these last two weeks and only after our hearing was scheduled, refused to communicate and clearly identify the issues on which we are now told the denial of our project will be based. Our hope is that we can meet with you as soon as possible and discuss this decision which challenges our project's compliance with the Local Coastal Plan. As we understand them, your staff's objections to our project are: species/habitat, agriculture, visual resources, and the need for local employment, the latter two being raised only in the last two weeks.

### Species/habitat

The appellants have asserted that we have "colonies" of California Red-legged frogs and wetlands on our property - both lies. In early September of 2011, after mentioning that he had "biological and agricultural concerns" Mr. Dreher told us repeatedly that he was trying to get your biologist to visit our property. Shortly thereafter, Mr. Dreher came to our property, took photos and told us that we should not have a biological report prepared until we heard from him, in writing, what was required. Mr. Dreher then received a letter from us on December 12 (See Attachment A) pointing out that numerous test holes were dug on and around every proposed building site and that the water table was a minimum of 7 feet down, even in the winter months - empirical proof that wetlands are not present. We also explained that we have been required to have "pre-construction" surveys for the species.

In February, we were told that we should, henceforth, talk to Ms. Cavalieri. Ms. Cavalieri would tell us nothing for 3 months. We have now (May 2012) been told by

Mr. Dreher that he showed his photos to your biologist and that the biologist said they indicate wetlands/habitat may be present on our property. Why were the photos not shown to the biologist at an earlier date? There are no wetlands on our property and we find it difficult to believe the photos would indicate that there are. Nevertheless, had we known of this concern we could have proven this at a much earlier date. See correspondence below in Attachment A that show that Mr. Dreher promises on December 9th to get back to us within a week regarding his attempts to contact your biologist. On December 12, 2011, he again promised to "get back to us." He finally did - in May, 2012. This is unacceptable. (See Attachment A)

We have also informed your staff that we expect to be held to no more rigorous standards than those employed in your approval of Commissioner Blanks construction of an approved 15,000 square foot "single family dwelling" on agricultural land in the middle of known CRLF and San Francisco Snake habitat.

### **Agricultural resources**

On May 12, after telling us that the staff will take the position that nothing be built on our PAD lot, Ms. Cavalieri indicated that she did not know what a density credit is. Our parcel consists of two lots, one zoned commercial and the other PAD. The county has determined that the PAD has a density credit attached and that that density credit allows for a single family house to be built there. Mr. Dreyer indicated that the staffs objection to building on our ag land was based on the fact that the entire lot was "suitable for agriculture". This is clearly wrong - see LCP and the County of San Mateo's LCP which conditionally permits single family residence on both PAD land and land suitable for agriculture. (Sections 5.5b and 5.6b)

While we would rather not push this issue, we would note that it could be claimed that there has been a violation of LCP, section 5.2 by the County of San Mateo in declaring 6 acres of our property PAD. As this zoning and LCP were approved by the Coastal Commission, the Commission, as well, may have violated the LCP. .

LCP section 5.2 provides that a "parcel" containing prime soils should be designated PAD unless that "parcel" is in the rural service center. Note that the word used is "parcel", not portion of parcel or half of parcel. The clear meaning being that the "parcel" is either in the PAD or in the rural service center, but not both.

#### ***\*5.2 Designation of Prime Agricultural Lands***

***Designate any parcel which contains prime agricultural lands as Agriculture on the Local Coastal Program Land Use Plan Map, subject to the following exceptions: State***

*Park lands existing as of the date of Local Coastal Program certification, urban areas, rural service centers, and solid waste disposal sites necessary for the health, safety, and welfare of the County. (emphasis ours)*

Our parcel contains the San Gregorio General Store which has been the focal point of commercial activity in San Gregorio since 1889. Therefore, none of our parcel should have been designated PAD, because it is in the rural service center. It may not need to be zoned commercial. It could be zoned residential. But, it should not have been zoned PAD. Should this be shown to be the case it is very likely that far more development would be permitted on our "agricultural" parcel.

### **Visual resources**

We were told a week ago that our construction of the two 2,000 sq. ft. single story houses proposed on commercial property in the rural service center will be denied because of visual resources. This was the first time that anyone had ever mentioned this issue to us. Our proposed houses are single story and there will be no problem screening them as there are only a couple of places where they can be seen from Stage Road and Highway 84. It is not clear how the scenic view protections interact with the urban/rural service center designation of our property. Do you really expect all development in the urban area to be invisible for the road? Again, should this be the case we are confident that trees can hide our proposed one-story residences.

### **Local employment**

The other last minute objection was raised in our telephone conversation with Ms. Cavalieri on April 9. She objected to the construction of residential units on our commercially zoned property. Under the LCP, this residential construction is allowed to "meet the needs for local employment." As stated in our letter the Supervisors dated April 29, 2011, we are applying to construct these residential units so that our children can assist us in the running of the San Gregorio General Store. One of the residences may be used by us, as our current residence at 7625 Stage Rd. is 100 years old and has been declared a "tear down" after a termite report.

We do not know what you envision as a better use of our property than the residences we propose. There are many vacant office buildings in HMB. A restaurant or hotel would have far more environmental impacts than the houses we are proposing.

As the major employer in San Gregorio, we believe that our statement that residential housing is needed should be sufficient to satisfy the terms of the LCP. We would like to point out that the delay in construction of these residential units caused by the appeal to the Coastal Commission is causing extreme stress on our business as we do not have the support that we need to keep it running. Therefore, your expeditious handling of this matter would be helpful in meeting the needs of local employers

The County has required that we either return our barn to it's original condition or have it qualify for farm labor housing, We have investigated the feasibility of converting the structure to farm labor housing and determined that we cannot afford it. Currently a farmworker who works for our neighbor Dominique Muzzzi and us and an employee in our store and his family reside in the barn. Where will they live? Ms. Cavalieri mentioned the apartment above our store as existing housing for our manager and indeed, when we move our employee out of our barn he will reside there. Our other four employees do not live in San Gregorio, nor does the Post Office employee. We are a rural service center which provides our local community with services including a store offering general merchandise, , bathrooms. free music, a space for public meetings, recycling, organic produce, and a post office. These services are also available to the general public and without that customer base our business could not survive. To repeat, we want to build housing for our two children who have expressed a desire to live near us and help us run our business. This is our way of "meeting the needs of local employment" and you should support us in this effort rather than basing your rejection of our plans on your totally unfounded estimates of how many workers we need to run our business and the employment needs of local agricultural concerns.

We would add that farmers owning and living on their land have more incentive to care for and work it than those who are tenants and that living and working in the same place reduces the carbon footprint.

Again, we hope we can meet with you as soon as possible in order to explain our project and make any modifications needed to get your staff's approval.

Sincerely,

George Cattermole

## Attachment A

**From:** George Cattermole [<mailto:georgecattermole@earthlink.net>]

**Sent:** Wednesday, December 07, 2011 8:07 AM

**To:** Nicholas Dreher

**Subject:** Cattermole San Gregorio Project

*Hello Nick,*

*Regarding the concern you have expressed about the possibility of threatened species being harmed by our project, I would point out that the County has required us to "...have a qualified biologist conduct a pre-construction survey for the California Red-Legged Frog and San Francisco Garter Snake...". The only construction planned and approved at this time is on proposed Parcel One. Should anyone want to construct anything on Parcels 3 and 4, a Coastal Development Permit would be required and presumably the County would require "pre-construction" surveys. As we have previously noted, almost all, if not the entire San Mateo Coast is habitat for the CRLF as they migrate up to a mile from their breeding habitat which is in streams and ponds. In light of this fact it would seem that a "pre-construction" survey is required to make sure no species are present while construction is underway. Will we be required to do another study at that point?*

*The claim that our property contains wetlands is patently false. Our plan has always been to create habitat with our man-made spring in order to provide habitat for the species. One of the primary reasons the CRLF survives is that it has found habitat in agricultural ponds developed by ranchers and farmers.*

*George Cattermole*

On Dec 9, Mr. Dreher responded:

*Hello Mr. Cattermole,*

*Thank you for your email. We are taking this seriously, in order to determine whether or not additional information (biological and agricultural) are needed at this time. I understand the concern that such endeavors are costly, so I am working to determine whether they are necessary in this particular case. I will get back to you once I have heard from our biologist. I hope to get back to you sometime next week, as he will not be back until Monday.*

*Thank you for your patience and understanding as we work to resolve this matter,*

*Nicholas B. Dreher*

And on December 12, 2012:

*Thank you for this Mr. Cattermole. I am doing my best to work with our other staff to address your concerns. I will contact you when our Biology staff has had an opportunity to get back to me.*

*Nicholas B. Dreher  
Coastal Program Analyst  
California Coastal Commission*

## **Attachment B**

From: George Cattermole [<mailto:georgecattermole@earthlink.net>]  
Sent: Monday, December 12, 2011 7:18 AM  
To: Nicholas Dreher  
Subject: More information

Dear Mr. Dreher:

The appellants allege, without any supporting data, that "the whole property is a spring-fed wetland". This is not the case. When we had perc tests done for parcels #1, 3, and 4, numerous large holes were dug on each of those parcels. Langley Hill (the company which performed

the tests) indicated on the perc test data sheet for each parcel that water was found 11 feet down. If you would like copies of these data sheets, we can fax them to you.

A cursory search of the internet returns results which state that a wetland must contain all three of the following: wetland hydrology, hydritic soils, and hydrophytic vegetation. In order to have hydritic soils "the general rule of thumb is that if the upper 12" of the soil is saturated 12.5% of the growing season, the soil will be hydritic."

Turning to our property, water was found 11 feet below ground level. This is a much greater distance than the 12 inches which would make the soil hydritic. Therefore, the hydritic soil requirement is not met. Because all three requirements must be met for the area to be a wetland, the failure to meet this requirement would mean that the property is NOT a wetland and that there is no need to explore the other requirements.

You have made reference to your need for additional agricultural information. While not exactly sure what you have in mind we will be glad to provide that information if we can.

Thanks for your attention to these matters.

George Cattermole

**Dreher, Nicholas@Coastal**

---

**From:** Cavaleri, Madeline@Coastal  
**Sent:** Friday, May 11, 2012 3:00 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** FW: Cattermole project

**Follow Up Flag:** Follow up  
**Flag Status:** Red

-----Original Message-----

From: George Cattermole [mailto:georgecattermole@earthlink.net]  
Sent: Friday, May 04, 2012 10:48 AM  
To: Cavaleri, Madeline@Coastal  
Subject: Cattermole project

Dear Ms. Cavaleri:

The LCP section below provides that a "parcel" containing prime soils should be designated PAD unless that "parcel" is in the rural service center. Note that the word used is "parcel", not portion of parcel or half of parcel. The clear meaning being that the "parcel" is either in the PAD or in the rural service center, but not both. The parcel cannot be split in half, or quarters, etc.

**\*5.2 Designation of Prime Agricultural Lands**

Designate any parcel which contains prime agricultural lands as Agriculture on the Local Coastal Program Land Use Plan Map, subject to the following exceptions: State Park lands existing as of the date of Local Coastal Program certification, urban areas, rural service centers, and solid waste disposal sites necessary for the health, safety, and welfare of the County.

Our parcel contains the San Gregorio General Store which has been the focal point of the San Gregorio the rural service center since 1889. Therefore, it is our position that none of our parcel should have been designated PAD, because it is in the rural service center. It does not have to be zoned commercial. It could be zoned residential. But, it should not be zoned PAD.

Could someone please explain why 6 acres of our parcel is zoned PAD in what appears to be to be a violation of the LCP?

George and Mary Cattermole

**Dreher, Nicholas@Coastal**

**From:** Mary Cattermole [joeycatt@gmail.com]  
**Sent:** Monday, May 14, 2012 4:15 PM  
**To:** Dreher, Nicholas@Coastal; Cavalieri, Madeline@Coastal; Carl, Dan@Coastal  
**Subject:** letter from Cattermole  
 May 13, 2012

Re: Cattermole project  
 Location: Corner of Stage Rd & Highway 84, San Gregorio, CA

Dear Mr. Carl,:

We are concerned that your staff, Mr. Dreher and Ms. Cavalieri, are acting in an unprofessional and improper manner in the handling of our project.

Our project consists of the subdivision of 12 acres into 4 parcels and the construction of 2 residences:  
 parcel #1: 2 new 2,000 sq. ft. residences on commercially zoned land within the urban boundary,  
 parcel #2: the existing San Gregorio General Store and one existing residence within the urban boundary. We are the owners of the store and reside in this residence.  
 parcel #3: 6 acres of PAD (agricultural) zoned land with no development proposed outside the urban boundary  
 parcel #4: one acre of commercially zoned land within the urban boundary with no development proposed

On May 7, 2012, Mr. Dreher stated that the staff would issue a report on May 25 recommending the denial of our entire project. A hearing would be held in mid June.

#### SENSITIVE HABITAT

In December, 2011, **Mr. Dreher told us that we should not have a biological report prepared until we heard from him what was required.** (See email below) We never heard from him.

In February, 2012, after **we pointed out that Coastal Commissioner Blank had prepared his own habitat survey when applying for his 15,000 sq. ft. residence**, we were told that, henceforth, we should talk to Ms. Cavalieri. Ms. Cavalieri would tell us nothing for 3 months.

On May 7, 2012, Mr. Dreher said that we had failed to prove that our property was not a wetland or endangered species habitat. This same Mr. Dreher had told us not to do a study.

Our property is not a wetland. All the parcels have passed perc tests.

Our property is not CA red-legged frog(CRLF) breeding habitat. Breeding habitat requires a stream or pond that holds water from March-September. It is obvious to the naked eye that we do not have a stream or such a pond. Frogs spend 70-80% of their time in their breeding habitat, but can travel up to two miles when foraging. See federal ruling on CRLF available online.

The County required that we have a biologist survey for foraging frogs before construction.

#### VISUAL RESOURCES

On May 7, 2012, Mr. Dreher stated that the two 2,000 sq. ft. single story residences within the urban boundary would be denied because they could be seen from Stage Rd.

It is not clear how the scenic view protections interact with the urban/rural service center designation of our property. **Do you really expect all development in the urban area to be invisible from the road?** If so, we are confident that trees can screen our proposed single story residences.

#### HOUSING FOR LOCAL EMPLOYMENT

On May 11, 2012, Ms. Cavalieri stated that our project would be denied because the Local Coastal Plan allowed residences on commercial property only where necessary for local employment. We had not shown that the residences were needed for "local" employees.

As private individuals, **it is not our job to be assessing or proving the housing needs of citizens, local or otherwise.**

The County of San Mateo (the entity properly charged with assessing housing needs), by approving our development, found that the residences were needed.

As we have previously stated, one proposed residence is for our son to help us run the General Store. The other is for us, as our current 90 year old residence has been declared a teardown by the termite inspector.

#### PAD PARCEL

Finally, Ms. Cavalieri stated that they did not want development on the PAD zoned parcel. We pointed out that the PAD

acreage had one density credit so that one residence could be built on it whether or not it was placed on a separate parcel. **Ms. Cavalieri said that she did not know what a density credit was. Is it possible that people who do not understand the basic zoning of our property are making decisions about our project?**

George and Mary Cattermole

12/9/11

Hello Mr. Cattermole,

Thank you for your email. We are taking this seriously, in order to determine whether or not additional information (biological and agricultural) are needed at this time. I understand the concern that such endeavors are costly, so I am working to determine whether they are necessary in this particular case. I will get back to you once I have heard from our biologist. I hope to get back to you sometime next week, as he will not be back until Monday.

Thank you for your patience and understanding as we work to resolve this matter,  
Nicholas B. Dreher

**Dreher, Nicholas@Coastal**

---

**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Wednesday, May 16, 2012 3:15 PM  
**To:** Dreher, Nicholas@Coastal; Cavalieri, Madeline@Coastal  
**Subject:** Fwd: Cattermole Project in San Gregorio  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Begin forwarded message:

**From:** George Cattermole <[georgecattermole@earthlink.net](mailto:georgecattermole@earthlink.net)>  
**Date:** May 15, 2012 9:09:11 AM PDT  
**To:** [dan.carl@coastal.ca.gov](mailto:dan.carl@coastal.ca.gov)  
**Subject:** Cattermole Project in San Gregorio

To Dan Carl  
 From: George Cattermole  
 Re: Cattermole San Gregorio Project

Dear Dan Carl:

My wife has written you regarding our proposed project in San Gregorio. I am following up with this letter which, while it repeats much of the material covered in her letter, nevertheless provides a fuller picture of the history of our project, our reasons for believing that your staff has not been fair in its treatment of our case, and further information which we hope you will give a fair hearing.

In the normal course of a Coastal Commission review, and we have been involved in several of these, one expects the staff to identify issues that need to be addressed and, if needed, request additional information. Your staff has, until these last two weeks and only after our hearing was scheduled, refused to communicate and clearly identify the issues on which we are now told the denial of our project will be based. Our hope is that we can meet with you as soon as possible and discuss this decision which challenges our project's compliance with the Local Coastal Plan. As we understand them, your staff's objections to our project are: species/habitat, agriculture, visual resources, and the need for local employment, the latter two being raised only in the last two weeks.

### Species/habitat

The appellants have asserted that we have "colonies" of California Red-legged frogs and wetlands on our property - both lies. In early September of 2011, after mentioning that he had "biological and agricultural concerns" Mr. Dreher told us repeatedly that he was trying to get your biologist to visit our property. Shortly thereafter, Mr. Dreher came to our property, took photos and told us **that we should not have a biological report prepared until we heard from him, in writing, what was required.** Mr. Dreyer then received a letter from us on December 12 (See Attachment A) pointing out that numerous test holes were dug on and around every proposed building site and that the water table was a minimum of 7 feet down, even in the winter months - empirical proof that wetlands are not present. We also explained that we have been required to have "pre-construction" surveys for the species.

In February, we were told that we should, henceforth, talk to Ms. Cavalieri. Ms. Cavalieri would tell us nothing for 3 months. **We have now (May 2012) been told by Mr. Dreher that he showed his photos to your biologist and that the biologist said they indicate wetlands/habitat may be present on our property. Why were the photos not shown to the biologist at an earlier date? There are no wetlands on our property and we find it difficult to believe the photos would indicate that there are. Nevertheless, had we known of this concern we could have proven this at a much earlier date. See correspondence below in Attachment A that show that Mr. Dreher promises on December 9th to**

get back to us within a week regarding his attempts to contact your biologist. On December 12, 2011, he again promised to "get back to us." He finally did - in May, 2012. This is unacceptable. (See Attachment A)

We have also informed your staff that we expect to be held to no more rigorous standards than those employed in your approval of Commissioner Blanks construction of an approved 15,000 square foot "single family dwelling" on agricultural land in the middle of known CRLF and San Francisco Snake habitat.

### Agricultural resources

On May 12, after telling us that the staff will take the position that nothing be built on our PAD lot, Ms. Cavaliere indicated that she did not know what a density credit is. Our parcel consists of two lots, one zoned commercial and the other PAD. The county has determined that the PAD has a density credit attached and that that density credit allows for a single family house to be built there. Mr. Dreyer indicated that the staffs objection to building on our ag land was based on the fact that the entire lot was "suitable for agriculture". This is clearly wrong - see LCP and the County of San Mateo's LCP which conditionally permits single family residence on both PAD land and land suitable for agriculture. (Sections 5.5b and 5.6b)

While we would rather not push this issue, we would note that it could be claimed that there has been a violation of LCP, section 5.2 by the County of San Mateo in declaring 6 acres of our property PAD. As this zoning and LCP were approved by the Coastal Commission, the Commission, as well, may have violated the LCP. .

LCP section 5.2 provides that a "parcel" containing prime soils should be designated PAD unless that "parcel" is in the rural service center. Note that the word used is "parcel", not portion of parcel or half of parcel. The clear meaning being that the "parcel" is either in the PAD or in the rural service center, but not both.

#### *\*5.2 Designation of Prime Agricultural Lands*

*Designate any parcel which contains prime agricultural lands as Agriculture on the Local Coastal Program Land Use Plan Map, subject to the following exceptions: State Park lands existing as of the date of Local Coastal Program certification, urban areas, rural service centers, and solid waste disposal sites necessary for the health, safety, and welfare of the County. (emphasis ours)*

Our parcel contains the San Gregorio General Store which has been the focal point of commercial activity in San Gregorio since 1889. Therefore, none of our parcel should have been designated PAD, because it is in the rural service center. It may not need to be zoned commercial. It could be zoned residential. But, it should not have been zoned PAD. Should this be shown to be the case it is very likely that far more development would be permitted on our "agricultural" parcel.

### Visual resources

We were told a week ago that our construction of the two 2,000 sq. ft. single story houses proposed on commercial property in the rural service center will be denied because of visual resources. This was the first time that anyone had ever mentioned this issue to us. Our proposed houses are single story and there will be no problem screening them as there are only a couple of places where they can be seen from Stage Road and Highway 84. It is not clear how the scenic view protections interact with the urban/rural service center designation of our property. Do you really expect all development in the urban area to be invisible for the road? Again, should this be the case we are confident that trees can hide our proposed one-story residences.

### Local employment

The other last minute objection was raised in our telephone conversation with Ms. Cavaliere on April 9. She objected to the construction of residential units on our commercially zoned property. Under the LCP, this residential construction is allowed to "meet the needs for local employment." As stated in our letter the Supervisors dated April 29, 2011, we are applying to construct these residential units so that our children can assist us in the running of the San Gregorio General Store. One of the residences may be used by us, as our current residence at 7625 Stage Rd. is 100 years old and has been declared a "tear down" after a termite report.

We do not know what you envision as a better use of our property than the residences we propose. There

are many vacant office buildings in HMB. A restaurant or hotel would have far more environmental impacts than the houses we are proposing.

As the major employer in San Gregorio, we believe that our statement that residential housing is needed should be sufficient to satisfy the terms of the LCP. We would like to point out that the delay in construction of these residential units caused by the appeal to the Coastal Commission is causing extreme stress on our business as we do not have the support that we need to keep it running. Therefore, your expeditious handling of this matter would be helpful in meeting the needs of local employers

The County has required that we either return our barn to it's original condition or have it qualify for farm labor housing. We have investigated the feasibility of converting the structure to farm labor housing and determined that we cannot afford it. Currently a farmworker who works for our neighbor Dominique Muzzi and us and an employee in our store and his family reside in the barn. Where will they live? Ms. Cavalieri mentioned the apartment above our store as existing housing for our manager and indeed, when we move our employee out of our barn he will reside there. Our other four employees do not live in San Gregorio, nor does the Post Office employee. We are a rural service center which provides our local community with services including a store offering general merchandise, , bathrooms. free music, a space for public meetings, recycling, organic produce, and a post office. These services are also available to the general public and without that customer base our business could not survive. To repeat, we want to build housing for our two children who have expressed a desire to live near us and help us run our business. This is our way of "meeting the needs of local employment" and you should support us in this effort rather than basing your rejection of our plans on your totally unfounded estimates of how many workers we need to run our business and the employment needs of local agricultural concerns.

We would add that farmers owning and living on their land have more incentive to care for and work it than those who are tenants and that living and working in the same place reduces the carbon footprint.

Again, we hope we can meet with you as soon as possible in order to explain our project and make any modifications needed to get your staff's approval.

Sincerely,

George Cattermole

#### Attachment A

From: George Cattermole [<mailto:georgecattermole@earthlink.net>]

Sent: Wednesday, December 07, 2011 8:07 AM

To: Nicholas Dreher

Subject: Cattermole San Gregorio Project

*Hello Nick,*

*Regarding the concern you have expressed about the possibility of threatened species being harmed by our project, I would point out that the County has required us to "...have a qualified biologist conduct a pre-construction survey for the California Red-Legged Frog and San Francisco Garter Snake...". The only construction planned and approved at this time is on proposed Parcel One. Should anyone want to construct anything on Parcels 3 and 4, a Coastal Development*

*Permit would be required and presumably the County would require "pre-construction" surveys. As we have previously noted, almost all, if not the entire San Mateo Coast is habitat for the CRLF as they migrate up to a mile from their breeding habitat which is in streams and ponds. In light of this fact it would seem that a "pre-construction" survey is required to make sure no species are present while construction is underway. Will we be required to do another study at that point?*

*The claim that our property contains wetlands is patently false. Our plan has always been to create habitat with our man-made spring in order to provide habitat for the species. One of the primary reasons the CRLF survives is that it has found habitat in agricultural ponds developed by ranchers and farmers.*  
**George Cattermole**

**On Dec 9, Mr. Dreher responded:**

*Hello Mr. Cattermole,*

*Thank you for your email. We are taking this seriously, in order to determine whether or not additional information (biological and agricultural) are needed at this time. I understand the concern that such endeavors are costly, so I am working to determine whether they are necessary in this particular case. I will get back to you once I have heard from our biologist. I hope to get back to you sometime next week, as he will not be back until Monday.*

*Thank you for your patience and understanding as we work to resolve this matter,*

**Nicholas B. Dreher**

**And on December 12, 2012:**

*Thank you for this Mr. Cattermole. I am doing my best to work with our other staff to address your concerns. I will contact you when our Biology staff has had an opportunity to get back to me.*

**Nicholas B. Dreher**  
 Coastal Program Analyst  
 California Coastal Commission

## **Attachment B**

**From:** George Cattermole [<mailto:georgecattermole@earthlink.net>]  
**Sent:** Monday, December 12, 2011 7:18 AM  
**To:** Nicholas Dreher  
**Subject:** More information

**Dear Mr. Dreher:**

The appellants allege, without any supporting data, that "the whole property is a spring-fed wetland". This is not the case. When we had perc tests done for parcels #1, 3, and 4, numerous large holes were dug on each of those parcels. Langley Hill (the company which performed the tests) indicated on the perc test data sheet for each parcel that water was found 11 feet down. If you would like copies of these data sheets, we can fax them to you.

A cursory search of the internet returns results which state that a wetland must contain all three of the following: wetland hydrology, hydric soils, and hydrophytic vegetation. In order to have hydric soils "the general rule of thumb is that if the upper 12" of the soil is saturated 12.5% of the growing season, the soil will be hydric."

Turning to our property, water was found 11 feet below ground level. This is a much greater distance than the 12 inches which would make the soil hydric. Therefore, the hydric soil requirement is not met. Because all three requirements must be met for the area to be a wetland, the failure to meet this requirement would mean that the property is NOT a wetland and that there is no need to explore the other requirements.

You have made reference to your need for additional agricultural information. While not exactly sure what you have in mind we will be glad to provide that information if we can.

Thanks for your attention to these matters.

George Cattermole

**Dreher, Nicholas@Coastal**

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**From:** George Cattermole [georgecattermole@earthlink.net]

**Sent:** Thursday, May 17, 2012 7:20 PM

**To:** Dreher, Nicholas@Coastal

**Subject:** Fwd: Cattermole Project in San Gregorio

Hello Nick - Please see below - May 30th is good for us. Thanks, George Cattermole

Begin forwarded message:

**From:** "Carl, Dan@Coastal" <[Dan.Carl@coastal.ca.gov](mailto:Dan.Carl@coastal.ca.gov)>  
**Date:** May 17, 2012 6:11:05 PM PDT  
**To:** <[georgecattermole@earthlink.net](mailto:georgecattermole@earthlink.net)>, <[joeycatt@gmail.com](mailto:joeycatt@gmail.com)>  
**Cc:** "Dreher, Nicholas@Coastal" <[Nicholas.Dreher@coastal.ca.gov](mailto:Nicholas.Dreher@coastal.ca.gov)>, "Cavalieri, Madeline@Coastal" <[Madeline.Cavalieri@coastal.ca.gov](mailto:Madeline.Cavalieri@coastal.ca.gov)>  
**Subject:** Cattermole Project in San Gregorio

Mr. and Mrs. Cattermole:

I have been out of the office all week, but returned today and received your three emails regarding your project. I can appreciate your frustration, and want to make sure we have an opportunity to discuss your concerns, including with the process and the substantive issues, before finaling our report and taking this to a hearing. For me that means taking a step back and setting up a time when we can all be in a room together and walk through the LCP policies as they apply to your project. Because of our internal deadline for reports (i.e., we are finaling and distributing reports for the June hearing over the next week), that means that your project will need to be set for a hearing at a later date. Please coordinate with Nick to set up a meeting. For me, I currently have openings May 30<sup>th</sup> and the week of June 4<sup>th</sup>. I hope one of those time periods is convenient for you, and look forward to discussing all of this together. Thank you.

Dan

---

**Dan Carl**

District Director  
 Central Coast and North Central Coast Districts  
 California Coastal Commission  
 725 Front Street, Suite 300  
 Santa Cruz, CA 95060  
 P: 831-427-4863  
 F: 831-427-4877  
[dcarl@coastal.ca.gov](mailto:dcarl@coastal.ca.gov)  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**Dreher, Nicholas@Coastal**

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**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Thursday, May 17, 2012 7:23 PM  
**To:** Carl, Dan@Coastal  
**Cc:** joeycatt@gmail.com; Dreher, Nicholas@Coastal; Cavalieri, Madeline@Coastal  
**Subject:** Re: Cattermole Project in San Gregorio

Hello Dan Carl - thanks for getting back to us. I have forwarded this to Nick - May the 30th is good for us. Looking forward to discussing our project with you. George Cattermole  
 On May 17, 2012, at 6:11 PM, Carl, Dan@Coastal wrote:

Mr. and Mrs. Cattermole:

I have been out of the office all week, but returned today and received your three emails regarding your project. I can appreciate your frustration, and want to make sure we have an opportunity to discuss your concerns, including with the process and the substantive issues, before finaling our report and taking this to a hearing. For me that means taking a step back and setting up a time when we can all be in a room together and walk through the LCP policies as they apply to your project. Because of our internal deadline for reports (i.e., we are finaling and distributing reports for the June hearing over the next week), that means that your project will need to be set for a hearing at a later date. Please coordinate with Nick to set up a meeting. For me, I currently have openings May 30<sup>th</sup> and the week of June 4<sup>th</sup>. I hope one of those time periods is convenient for you, and look forward to discussing all of this together. Thank you.

Dan

---

**Dan Carl**

District Director  
 Central Coast and North Central Coast Districts  
 California Coastal Commission  
 725 Front Street, Suite 300  
 Santa Cruz, CA 95060  
 P: 831-427-4863  
 F: 831-427-4877  
[dcarl@coastal.ca.gov](mailto:dcarl@coastal.ca.gov)  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**Dreher, Nicholas@Coastal**

---

**From:** George Cattermole [georgecattermole@earthlink.net]

**Sent:** Friday, May 18, 2012 4:53 PM

**To:** Dreher, Nicholas@Coastal

**Subject:** Re: Meeting to discuss Appeal A-2-SMC-11-032 (Cattermole)

Thanks - will attend - just say where and whether or not you would like us to bring anything to the meeting. George Cattermole

On May 18, 2012, at 4:43 PM, Dreher, Nicholas@Coastal wrote:

<meeting.ics>

## Dreher, Nicholas@Coastal

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**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Monday, May 21, 2012 5:42 AM  
**To:** Carl, Dan@Coastal; Dreher, Nicholas@Coastal; Cavalieri, Madeline@Coastal  
**Subject:** Cattermole Project

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hello CC members,

If the place for our meeting remains TBD, I would suggest we meet here, on the Project site - either in our home or the store office (private). That would make it possible for all of you to see what we want to do (a walking tour would take no longer than 15 minutes) and still give us time to talk about our plans. We look forward to learning about your concerns and finding ways to address them. George Cattermole, San Gregorio

**Dreher, Nicholas@Coastal**

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**From:** Mary Cattermole [joeycatt@gmail.com]  
**Sent:** Monday, May 21, 2012 3:36 PM  
**To:** Carl, Dan@Coastal; Cavalieri, Madeline@Coastal; Dreher, Nicholas@Coastal  
**Subject:** Cattermole project  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Coastal Commssion staff:

Ms. Cavalieri's interpretation of the LCP placing the duty on us to show that our proposed residential construction was necessary for local employees has caused me a great deal of stress.

In a letter to the SM Co. Supervisors (of which you have a copy) we had stated that the proposed residences were to be for our children to come and help us with the store as we entered retirement.

In April, 2012, I emailed Ms. Cavalieri that as the main employer in San Gregorio, our statement that housing was needed should be sufficient to address the issue.

None of this was enough for her. On May 11, 2012 she told us that our entire project would be denied because we had failed to show that the residences were needed for local employees.

My first reaction was to try, again, to satisfy her demands with an account of the number of employees in San Gregorio and their living situations, as well as an account of my family, its employment and living situation. However, I found this increasingly painful and realized that she was invading my privacy, the privacy of our employees and the privacy of others working in San Gregorio.

Finally, it ocured to me, that I should not be put in this situation at all because proving housing needs was not my job.

If you have ever been robbed or, otherwise had your privacy invaded, you will know how hurt and angry it can make you. It is particularly bad when the invasion is demanded by a person in a position of authority.

Mary Cattermole

**Dreher, Nicholas@Coastal**

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**From:** Mary Cattermole [joeycatt@gmail.com]  
**Sent:** Tuesday, May 22, 2012 11:05 AM  
**To:** Carl, Dan@Coastal; Cavalieri, Madeline@Coastal; Dreher, Nicholas@Coastal  
**Subject:** Cattermole project

Dear Coastal Commission staff:

#### RESIDENTIAL DEVELOPMENT

We believe that the portion of Section 1.12 of the LCP which restricts residential development to that which meets "housing needs which are generated by local employment" is unconstitutional or so vague as to be unenforceable. What is the legitimate government purpose served by restricting residential development in this fashion? What about the housing needs generated by the unemployed, the retired, or those not locally employed? Why are they discriminated against?

In addition, what does "local" mean? San Gregorio is in the unincorporated area of San Mateo County. What are its boundaries?

Finally, who is to determine if housing is needed and on what basis.

We request that you obtain an opinion from your attorneys as to the legality of this provision.

#### DENSITY CREDIT ON PAD

We believe that a portion of our real property was zoned PAD in violation of the LCP sections 5.2 and 5.4 (See our earlier email on this topic). We have not heard back from you with respect to this issue.

Even if the property was validly zoned PAD, we believe that it has one density credit (allowing the construction of one residence) pursuant to LCP Table 1.3 "All legal parcels shall accumulate at least one density credit."

We have been advised by the County that the PAD property has one density credit even if it is not placed on a separate parcel. The County, in approving the subdivision, found that the PAD property had one density credit.

The LCP, section 5.7 allows construction of residences on prime agricultural land if "no alternative site exists for the use", there is a buffer zone between agricultural and non agricultural uses and "the productivity of any adjacent agricultural land will not be diminished". Therefore, we believe that one residence could be constructed on the PAD land whether or not it is placed on its own parcel.

We believe that by our proposed subdivision we are helping to clear up zoning irregularities in San Mateo County and past mistakes in zoning that have been made.

If you have a reason for opposing this portion of our project, please let us know why.

Should we ask the County of San Mateo to explain why our property was incorrectly zoned PAD or is this question more properly addressed to you at this point?

George and Mary Cattermole

## Dreher, Nicholas@Coastal

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**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Thursday, May 24, 2012 5:49 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Cattermole Project

See you then and there . George  
On May 24, 2012, at 4:15 PM, Dreher, Nicholas@Coastal wrote:

> Hello Mr. Cattermole,  
>  
> We will see you at 10am on May 30th at the General Store on your  
> property, located at the intersection of Stage Road and La Honda Road.  
>  
>  
> Nicholas B. Dreher  
> Coastal Program Analyst  
> California Coastal Commission  
> (415) 904-5251  
> nicholas.dreher@coastal.ca.gov  
>  
>  
> -----Original Message-----  
> From: George Cattermole [mailto:georgecattermole@earthlink.net]  
> Sent: Monday, May 21, 2012 5:42 AM  
> To: Carl, Dan@Coastal; Dreher, Nicholas@Coastal; Cavalieri,  
> Madeline@Coastal  
> Subject: Cattermole Project  
>  
> Hello CC members,  
> If the place for our meeting remains TBD, I would suggest we meet  
> here, on the Project site - either in our home or the store office (private).  
> That would make it possible for all of you to see what we want to do  
> (a walking tour would take no longer than 15 minutes) and still give  
> us time to talk about our plans. We look forward to learning about your  
> concerns and finding ways to address them. George Cattermole, San  
> Gregorio

**Dreher, Nicholas@Coastal**

**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Monday, June 04, 2012 3:17 PM  
**To:** Carl, Dan@Coastal; Cavalieri, Madeline@Coastal; Dreher, Nicholas@Coastal  
**Subject:** Cattermole Project  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
 June 1, 2012

Dear Coastal Commission Staff:

While we understand that we agreed that "the ball was in your court" at the end of our meeting here on May 30th, we want to be sure we are on the same page regarding the issues that concern you so that we can address them. Because there were four of us and three of you and we often spoke to one another separately, we gathered our collective responses to what we perceived were your collective concerns and spelled them out below. Should there remain any issues you have not raised so far, please let us know.

**ISSUE ONE: LOCAL EMPLOYMENT**

As we pointed out, we are proposing a project that will potentially provide four moderately priced homes, two of which are specifically intended for our children to live in a help us run our business. Of our 6 employees, only one resides in San Gregorio and the postal clerk resides in El Granada.

**ISSUE TWO: VISUAL RESOURCES**

8.5b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. **If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.**

We do not believe that this section applies to commercial property inside the urban/rural boundary. If it does, then our project should be governed by the **second** sentence, not the first, as our entire property is cradled on two sides by scenic roads.

**ISSUE THREE: SUBDIVISION**

By subdividing our property, we actually make the building envelopes on the property smaller, because of septic and fire setback requirements (leach lines must be 50' from property lines and CA fire requires buildings to be 30' from property lines). If Parcel 4 it is not separated from Parcel 3, the building envelope on Parcel 4 becomes larger. See diagram A (sent by mail). If Parcel 1 is not separated from Parcel 2, the building envelope on Parcel 1 becomes larger. See diagram B (sent by mail). **Keeping the building envelopes small by subdivision of the property, increases the probability that residences will be built as opposed to other projects which would have a greater negative impact on agriculture. Examples:**

**ALTERNATIVE PROJECTS WITHOUT SUBDIVISION**

1) Challenge validity of PAD zoning under LCP 5.2. The County of San Mateo has stated that there is nowhere else in the rural services centers where the PAD zoning designation was placed on a portion of a parcel. Request zoning changed to allow for construction of low income housing or of a hotel on Parcels 3 and 4.

2) Faux Chateau with wine tasting and parking lot: A large wine tasting structure on Parcel 1 with gardens for picnicking. Parcel 4 used as parking lot. Parcel 3 used as agricultural amusement park or as 15,000 sq. ft. owner's residence.

3) Microbrewery and parking lot: same as above

1. Hotel on Parcel 1: elimination of lot line between Parcel 1 and 2 allows more room for septic leach fields, but a hotel would put heavy burden on drainage area. Probably need Parcel 4 for parking lot or take down current residence on Stage Rd. for parking lot.

1. Recycling center or gas station on Parcel 4.

#### ISSUE FOUR: AGRICULTURE

Our PAD property is approximately 6 acres. The north side is a steep hill. Cypress and redwood trees line the north and south sides and part of the east side. Large eucalyptus trees line the west side. There is currently a 2,000 sq. ft. barn structure. Therefore, only about 3 acres of land is actually available for agricultural production. **There is no surface water supply or storage capability.**

**Due to the lack of water, there are only two possible agricultural uses grazing and dry farming. In summary, neither of these is economically feasible on such small acreage.**

In the 1980s we had cattle on the property. However, due to the small size of the acreage, the cattle had to be brought in from the outside and loaded and removed each winter. We did not have the trucks, trailers and loading structures necessary to carry this out and were dependent on neighbors. After a few skittish cattle broke through the fences and caused an accident on Highway 1 with a cement truck, we stopped cattle grazing.

In the 1980s we raised pumpkins one year and peas another. We were dependent on a neighbor for the planting and harvesting of these crops and ended up losing money.

**The property is not large enough to justify the expenditure on equipment and labor necessary to carry out grazing or dry farming.**

There has been no agriculture on the land for about 25 years. For 20 years a stage existed (now torn down) where musical concerts were held each year to raise money for environmental causes.

#### ISSUE FIVE: SPECIES HABITAT AND WETLANDS

Contrary to what appellants claim, our entire property is not a wetland and we do not have colonies of red-legged frogs on our property. We request that you let us know what information you need from us as soon as possible.

#### ISSUE SIX: EXISTENCE OF AND RIGHT TO USE DENSITY CREDIT ON AGRICULTURAL PARCEL.

The county has determined we own a density credit and that we may use it on our ag. parcel. Ms. Cavalieri indicated that we could use to build a house on our commercial parcel, apparently not understanding that we do not need a density credit to do this. **We consider any effort to take our density credit or forbid us using it on our ag parcel to be a "taking". We therefore need to know your position on this issue as soon as possible.**

#### CONCLUSION

**We understand that you are concerned with protecting the PAD property. However, because this parcel does not have a surface water source, it is simply too small to be economically viable for agricultural use unless an owner of the property lived on-site and was willing to undertake it.**

**We believe that one residence on Parcel 3 and one residence on Parcel 4 would have the least environmental impact of feasible alternatives and would be consistent with the surrounding neighborhood.**

**George and Mary Cattermole**

**Dreher, Nicholas@Coastal**

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**From:** Dreher, Nicholas@Coastal  
**Sent:** Tuesday, June 26, 2012 8:48 AM  
**To:** George Cattermole  
**Subject:** RE: Coastal Commission June 12 telephone conversation

Thank you Mr. Cattermole. As I said previously, at this point, we will reach out to you if we determine a need for additional information or feel it is appropriate to discuss particular components of the project with you further, or when we get closer to a realistic hearing date. We are evaluating and working toward responding to the questions raised during our in person meeting. Thank you for your continued patience,

Nicholas B. Dreher  
 Coastal Program Analyst  
 California Coastal Commission  
 (415) 904-5251  
[nicholas.dreher@coastal.ca.gov](mailto:nicholas.dreher@coastal.ca.gov)

---

**From:** George Cattermole [mailto:georgecattermole@earthlink.net]  
**Sent:** Friday, June 22, 2012 10:59 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Coastal Commission June 12 telephone conversation

Hello Nick,

Thanks for getting back to us. Our hope is that we can work together toward a recommendation of approval for the Commissioners. I realize that in our correspondence so far we have not mentioned the proposal we made when you came to visit which is that we would be willing to restrict the size and location of the single family house on our ag land. Also, I am not clear about your position on applicable LCP's section on views. In our June 12 telephone conversation you said that not all of our property was visible from scenic highways and mentioned the trees covering the northern boundary of our property. Section 8.5b assumes that the property is visible or not visible due to natural land forms, ie. hills and valleys, not vegetation or trees which are removable. It states: *If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.* Our property is entirely visible from Stage Rd. and Highway 84. Therefore, this second sentence of 8.5b applies, not the first. We believe the building sites we have proposed on our commercial lot minimize visibility from hiway 84 and Stage Road and have expressed our willingness to have your staff determine where the building site can be located on the ag land. Have I misunderstood your concerns on this issue?

Again, we do not care where the hearing is held and hope to have it as soon as possible. Thanks, George Cattermole

On Jun 20, 2012, at 5:19 PM, Dreher, Nicholas@Coastal wrote:

Hello Mr. Cattermole,

I want to clarify that we are still evaluating the information you provided to us before, during and following the in-person meeting on your property. We will not be ready to give you our recommendation on or before June 26 and appreciate your continued patience while we continue to discuss this matter internally. I indicated during our June 12 telephone conversation that we would be discussing it internally over these two weeks, which we have done, but we have not come to a conclusion on your project at this time. We will try to move this to hearing as soon as we can. In the meantime, we will reach out to you if we determine a need for additional information or feel it is appropriate to discuss particular components of the project with you further, or when we get closer to a realistic hearing date. In the event you need to contact staff during our ongoing review, please contact me alone

by email directly. I will be sure to include other Commission staff members when appropriate and will be sure to respond in a timely manner.

Thank you,

Nicholas B. Dreher  
Coastal Program Analyst  
California Coastal Commission  
(415) 904-5251  
[nicholas.dreher@coastal.ca.gov](mailto:nicholas.dreher@coastal.ca.gov)

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]  
**Sent:** Friday, June 15, 2012 10:01 AM  
**To:** Carl, Dan@Coastal; Dreher, Nicholas@Coastal; Cavalieri, Madeline@Coastal  
**Subject:** Coastal Commission June 12 telephone conversation

Hello Mr. Dryer,

This is to confirm our telephone conversation on June 12 in which you said the Coastal Commission Staff would have a better idea of what they were planning to recommend to the Board "in a week or two." In your e-mail of May 22, you wrote that "The issues you have raised are exactly the issues that we are working to evaluate and we will demonstrate our objective analysis of those issues in our staff report." We believe we have addressed those issues in our correspondence and during your visit here, but should you require anymore information from us, please let us know. We would greatly appreciate a response on or before June 26. Thanks, George Cattermole

## Dreher, Nicholas@Coastal

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**From:** Dreher, Nicholas@Coastal  
**Sent:** Tuesday, July 10, 2012 11:07 AM  
**To:** George Cattermole  
**Subject:** RE: time frame?

Hello Mr. Cattermole,

We are not yet ready to discuss this with you again. I have to complete additional review and analyze the growth/development potential under the zoning districts, speak with Madeline and then we will contact you. I will reach out to you as soon as our review is complete, which should be soon (not this week, but soon).

Thank you,

Nicholas B. Dreher  
Coastal Program Analyst  
California Coastal Commission  
(415) 904-5251  
nicholas.dreher@coastal.ca.gov

-----Original Message-----

From: George Cattermole [mailto:georgecattermole@earthlink.net]  
Sent: Tuesday, July 10, 2012 8:20 AM  
To: Dreher, Nicholas@Coastal  
Subject: time frame?

Hello Nick,

Do you have any idea when the staff will be able to tell us whether or not you are going to recommend approval of our project to the Board and the reasons why or why not? As you know, we waived time and have provided you with all the information you have wanted so far and stand ready to provide any further information you might require and/or make changes to our proposed project that will satisfy your concerns, e.g., restrict the size of the house that could be built on our ag land. . Thanks, George Cattermole

**Dreher, Nicholas@Coastal**

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**From:** George Cattermole [georgecattermole@earthlink.net]

**Sent:** Wednesday, July 18, 2012 9:43 AM

**To:** Dreher, Nicholas@Coastal

**Subject:** Cattermole project - please forward to rest of staff

July 17, 2012

Re: Cattermole project  
San Gregorio, CA  
Appeal #A-2-SMC-11-032

Dear Mr. Lester:

In the course of review of our project, we became aware that in the 1980s the County and Coastal Commission improperly designated approximately one-half of our 12 acre parcel as PAD in violation of San Mateo County LCP section 5.2 which provides as follows:

*\*5.2 Designation of Prime Agricultural Lands*

*Designate any parcel which contains prime agricultural lands as Agriculture on the Local Coastal Program Land Use Plan Map, subject to the following exceptions: State Park lands existing as of the date of Local Coastal Program certification, urban areas, rural service centers, and solid waste disposal sites necessary for the health, safety, and welfare of the County.*

The other 1/2 of our parcel is zoned commercial and contains the San Gregorio General Store and U.S. post office. It has been the center of the San Gregorio rural service center since 1889.

It is our position that the County and Commission were not authorized by the LCP to designate 1/2 of our parcel PAD because "the parcel" was in the rural service center and, therefore, exempt from PAD designation. No portion of a parcel in the rural service center should have been designated PAD. By their improper action, the County and Commission created PAD acreage which because of its size, topography, and the absence of surface water is not economically feasible for agricultural use. Other development options for this acreage are constrained because of the PAD designation.

We have raised this issue with the Commission staff, but they have failed and refused to undertake any steps to see that this unlawful designation of our property is corrected.

We would prefer not to pursue this issue, but rather proceed with our proposed project as it now stands which, because of set-back and other LCP requirements, will result in much less unwanted development potential.

Since the filing of the appeal on August 1, 2011, we have received no written communication from the Commission staff; we have received no request for additional information; we received no credible reason why approval of our project has not been recommended and a hearing scheduled.

We seek your assistance in this matter because we understand that the improper designation of our property as PAD may require expertise to correct.

George B. and Mary J. Cattermole

cc: Dan Carl  
Ms. Cavaliere  
Nick Dreher

## Dreher, Nicholas@Coastal

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**From:** Dreher, Nicholas@Coastal  
**Sent:** Friday, August 03, 2012 12:05 PM  
**To:** George Cattermole  
**Cc:** Cavalieri, Madeline@Coastal  
**Subject:** RE: Appeal: Returning your 7/31/2012 Voicemail

Hello Mr. Cattermole,

I received your voicemail from yesterday. I was in our Santa Cruz office for the day. There must be some confusion as to the meaning of my previous email and I apologize if it was misleading. I was not in any way suggesting we have made a decision on the outcome/recommendation and are now searching for a basis. On the contrary, we are still developing our recommendation and I will be sure to check in with you when that becomes clearer in light of our May 30 meeting and conversations with you since that meeting. I will contact you when we are ready to discuss the recommendation.

Thanks,

Nicholas B. Dreher  
Coastal Program Analyst  
California Coastal Commission  
(415) 904-5251  
nicholas.dreher@coastal.ca.gov

-----Original Message-----

From: George Cattermole [mailto:georgecattermole@earthlink.net]  
Sent: Friday, August 03, 2012 11:12 AM  
To: Dreher, Nicholas@Coastal  
Subject: Re: Appeal: Returning your 7/31/2012 Voicemail

Hello Nick, called you again yesterday - August 2 - to ask what your recommendation will be as you indicate that you have decided on that and are now "working of the basis". It would be a great help to us if we could know this as should you still be recommending denial we need to work on a legal response and possible alternative developments. Also, want to be sure that you are aware that when you visited our property on May 30, 2012, Dan Carl said to my wife, Joey: "I do not think anyone cares about the visibility of development in the commercial/urban area. Everyone expects development in the commercial area to be visible." I hope this is dispositive of the views issue. Thanks, George Cattermole  
On Aug 1, 2012, at 4:59 PM, Dreher, Nicholas@Coastal wrote:

> Hello Mr. Cattermole,  
>  
> I received your voicemail, but I do not have new information for you  
> at this time regarding this appeal. I will be reviewing the project  
> materials the next few days and next week. I understand you are going  
> on vacation soon. It is very unlikely this project will be on either  
> the August or September hearing agendas. We are working on the basis  
> for our recommendation and will let you know if/when we have  
> additional questions. Thank you for your patience,  
>  
> Nicholas B. Dreher  
> Coastal Program Analyst  
> California Coastal Commission  
> (415) 904-5251  
> nicholas.dreher@coastal.ca.gov  
>  
>  
>



## Dreher, Nicholas@Coastal

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**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Tuesday, August 07, 2012 1:32 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Project

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Red

August 4, 2012

Dear Mr. Dreher:

LCP section 8.5b: reads

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

Visual Resources inside the urban/rural boundary are governed by LCP sections 8.11-8.13 and are not governed by LCP section 8.5. Section 8.5 is intended to apply in the rural area and seeks to minimize or make invisible building sites. This is not consistent with commercial rural service center zoning because commercial enterprise is expected to be visible to the general public, as Dan Carl commented during your visit. In addition, the LCP clusters development in commercial/urban/rural service center areas.

Applying LCP section 8.5 to a commercial area eliminates its legitimate government purpose. It's legitimate purpose when applied to a rural area would be to maintain undeveloped views. You are not expected to maintain undeveloped views in an area zoned for commercial development. Put another way, what is the legitimate government purpose for denying subdivision in a commercial area? I suggest that there is none.

Denial of our subdivision will decrease the value of our property. Unless there is a legitimate government purpose for doing so, any such denial is arbitrary and capricious as well as being a taking of our property in violation of the US constitution.

Mary Cattermole

## Dreher, Nicholas@Coastal

---

**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Tuesday, August 14, 2012 6:41 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Appeal: Returning your 7/31/2012 Voicemail

Hello Nick - This is to confirm that I received your telephone message yesterday (August 13) in which you said that we would be hearing from you in the next couple weeks and that you would be scheduling our hearing for this Fall. We assume that means either in October or November and are planning our schedules on that assumption. As we have previously indicated, we are willing to travel anywhere to attend the hearing. Thanks for getting back in touch and again, if we can provide you with any further information, please let us know. George and Joey Cattermole

On Aug 3, 2012, at 12:05 PM, Dreher, Nicholas@Coastal wrote:

> Hello Mr. Cattermole,

>

> I received your voicemail from yesterday. I was in our Santa Cruz office for the day. There must be some confusion as to the meaning of my previous email and I apologize if it was misleading. I was not in any way suggesting we have made a decision on the outcome/recommendation and are now searching for a basis. On the contrary, we are still developing our recommendation and I will be sure to check in with you when that becomes clearer in light of our May 30 meeting and conversations with you since that meeting. I will contact you when we are ready to discuss the recommendation.

>

> Thanks,

>

> Nicholas B. Dreher  
> Coastal Program Analyst  
> California Coastal Commission  
> (415) 904-5251  
> nicholas.dreher@coastal.ca.gov

>

> -----Original Message-----

> From: George Cattermole [mailto:georgecattermole@earthlink.net]  
> Sent: Friday, August 03, 2012 11:12 AM  
> To: Dreher, Nicholas@Coastal  
> Subject: Re: Appeal: Returning your 7/31/2012 Voicemail

>

> Hello Nick, called you again yesterday - August 2 - to ask what your recommendation will be as you indicate that you have decided on that and are now "working of the basis". It would be a great help to us if we could know this as should you still be recommending denial we need to work on a legal response and possible alternative developments.

> Also, want to be sure that you are aware that when you visited our property on May 30, 2012, Dan Carl said to my wife, Joey: "I do not think anyone cares about the visibility of development in the commercial/urban area. Everyone expects development in the commercial area to be visible." I hope this is dispositive of the views issue. Thanks, George Cattermole

> On Aug 1, 2012, at 4:59 PM, Dreher, Nicholas@Coastal wrote:

>

>> Hello Mr. Cattermole,

>>

>> I received your voicemail, but I do not have new information for you  
>> at this time regarding this appeal. I will be reviewing the project  
>> materials the next few days and next week. I understand you are  
>> going on vacation soon. It is very unlikely this project will be on  
>> either the August or September hearing agendas. We are working on  
>> the basis for our recommendation and will let you know if/when we  
>> have additional questions. Thank you for your patience,

>>

>> Nicholas B. Dreher  
>> Coastal Program Analyst

>> California Coastal Commission  
>> (415) 904-5251  
>> nicholas.dreher@coastal.ca.gov  
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>>  
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>

**Dreher, Nicholas@Coastal**

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**From:** George Cattermole [georgecattermole@earthlink.net]

**Sent:** Tuesday, August 16, 2011 3:08 PM

**To:** Nicholas Dreher

**Subject:** Re: Cattermole Appeal: 49 day waiver

If not there in snail mail, will fax Friday - please let me know. George

On Aug 16, 2011, at 9:45 AM, Nicholas Dreher wrote:

Do you have a fax machine or scanner? You could have copied, scanned or faxed the original, but if you say it is in the mail, I will expect to receive it by Thursday or so.

Nicholas B. Dreher  
Coastal Program Analyst  
California Coastal Commission  
(415) 904-5251  
[ndreher@coastal.ca.gov](mailto:ndreher@coastal.ca.gov)

---

**From:** George Cattermole [mailto:[georgecattermole@earthlink.net](mailto:georgecattermole@earthlink.net)]

**Sent:** Tuesday, August 16, 2011 7:00 AM

**To:** Nicholas Dreher

**Subject:** Re: Cattermole Appeal: 49 day waiver

Hello Nicholas, Have sent you a signed hard copy - have tried various ways to send it e-mail, but it will not allow me to write on it. George Cattermole

On Aug 15, 2011, at 5:00 PM, Nicholas Dreher wrote:

Hello Mr. Cattermole,

Please sign the attached waiver form and return it to us at your earliest convenience by mail and email.

To help you fill out the form, here is some relevant information:

Local file number: PLN2009-00112  
CCC File Number: A-2-SMC-11-032  
Appeal filing date: August, 9, 2011

Send hardcopy to the Coastal Commission at 45 Fremont Street, Suite 2000, San Francisco, CA 94105.

Thank you,

Nicholas B. Dreher  
Coastal Program Analyst  
North Central Coast District Office  
California Coastal Commission  
(415) 904-5251  
[ndreher@coastal.ca.gov](mailto:ndreher@coastal.ca.gov)

<49-day-waiver form.pdf>

## Dreher, Nicholas@Coastal

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**From:** Dreher, Nicholas@Coastal  
**Sent:** Monday, August 20, 2012 4:24 PM  
**To:** George Cattermole  
**Subject:** RE: Cattermole Project

I did receive your email regarding timing. We will be presenting a recommendation and the Commission will be making the decision. Staff is meeting next week to discuss projects for upcoming hearing agendas, wherein I will discuss your project. I think October and November are realistic hearings at this point. I will check in with you after that staff meeting (takes place at the end of next week).

Thank you for checking in and I will update you with any new information (including the recommendation) as soon as I have some.

Nick Dreher

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**From:** George Cattermole [georgecattermole@earthlink.net]  
**Sent:** Monday, August 20, 2012 5:33 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Cattermole Project

Thanks Nick. Not sure you received our e-mail concerning the timing of your decision regarding our project. You said that we would be hearing from you in a couple of weeks and that the hearing would be sometime this Fall. We assume that means we will hear from you any day now and that the hearing will be in either October or November. Are we correct? Thanks, George Cattermole  
On Aug 20, 2012, at 2:58 PM, "Dreher, Nicholas@Coastal" <Nicholas.Dreher@coastal.ca.gov> wrote:

> Thank you Mr. Cattermole. I have forwarded this message to my supervisors and Dan Carl (Deputy Director).

>  
> Thanks,  
>  
> Nick

>  
>  
> From: George Cattermole [georgecattermole@earthlink.net]  
> Sent: Sunday, August 19, 2012 6:23 AM  
> To: Dreher, Nicholas@Coastal  
> Subject: Cattermole Project

>  
> Hello again Nick - please forward this to Dan Karl and the other staff members working on our project. Thanks, George Cattermole

>  
> August 18, 2012

>  
> To: Coastal Commission Staff

>  
> For over a year, in telephone conversations or in person, you have raised the following objections to our project and at one point informed us you were prepared to deny our proposed subdivision based upon these objections. You have also indicated that you are concerned that our plans would permit a house to be built on our PAD land, and we believe this is the real reason you find our project objectionable and that the objections below have been raised have so that we will negotiate away the density credit belonging to our PAD land so that a house cannot be built there. We have indicated that we would be willing to restrict the size of that house to a modest footprint even though the Blank precedent would permit us to build a 15,000 square foot structure on agricultural land.

Below we sum up our position regarding what we believe to be bogus and unfair objections to our project.

- >
- > LOCAL HOUSING NEEDS: You said that we could not build residences (we propose two 2,400 sq. ft. residences) on our commercial property because we had not shown that they were necessary to "meet the needs of local employment." This section of the LCP is clearly unenforceable and unconstitutional because even if someone (it is not our job to prove housing needs) could determine what housing "needs" are, the section discriminates against the nonlocal and the unemployed.
- >
- > VIEWS: You said we could not subdivide our commercial land because of LCP section 8.5 which protects views from scenic roads by clustering new lots. This section is intended to apply in the rural area. It makes no sense when applied to our property which is in the commercial/urban area where development has already been concentrated and is expected to be visible.
- >
- > CA RED-LEGGED FROG: It is obvious to the naked eye that we do not have a stream or pond capable of acting as breeding habitat for the CA red-legged frog. Any such pond must be 2-4 feet deep and hold water from March-Sept. CARFs travel up to two miles when foraging. The entire coast within two miles of a stream or pond is foraging habitat. Environmental protection generally involves keeping construction away from breeding ponds and watching for frogs during construction in foraging areas.
- >
- > We have a man-made, cement enclosed, horizontal well which produces a trickle of water. You have not mentioned this issue since we pointed out that Coastal Commissioner Steve Blank had his own staff, rather than a biologist, prepare the habitat survey for his property, which does contain a breeding pond, when he built his 15,000 sq. ft. house.
- >
- > AGRICULTURAL LAND: We have 6 acres of property designated as PAD which it is not economically feasible to farm because it does not have any surface water. This property has one density credit. We fully intend to use this density credit to build a residence on this property which is screened from public view by cypress trees.
- >
- > We believe these to be inappropriate and/or unconstitutional arguments and a breach of the public trust vested in you by the Coastal Act.
- >
- > George and Mary Cattermole

**Dreher, Nicholas@Coastal**

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**From:** Dreher, Nicholas@Coastal  
**Sent:** Wednesday, September 05, 2012 1:17 PM  
**To:** 'George Cattermole'  
**Subject:** RE: Cattermole Project  
 Hello Mr. Cattermole,

We plan to release the staff report likely the third, but possibly the fourth, week of September. We are planning to take this item to the October hearing.

Nick Dreher

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]  
**Sent:** Monday, September 03, 2012 12:17 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Cattermole Project

I will check in with you after that staff meeting  
 (takes place at the end of next week).

On Aug 21, 2012, at 1:23 AM, "Dreher, Nicholas@Coastal" <[Nicholas.Dreher@coastal.ca.gov](mailto:Nicholas.Dreher@coastal.ca.gov)> wrote:

I did receive your email regarding timing. We will be presenting a recommendation and the Commission will be making the decision. Staff is meeting next week to discuss projects for upcoming hearing agendas, wherein I will discuss your project. I think October and November are realistic hearings at this point. I will check in with you after that staff meeting (takes place at the end of next week).

Thank you for checking in and I will update you with any new information (including the recommendation) as soon as I have some.

Nick Dreher

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**From:** George Cattermole [[georgecattermole@earthlink.net](mailto:georgecattermole@earthlink.net)]  
**Sent:** Monday, August 20, 2012 5:33 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Cattermole Project

Thanks Nick. Not sure you received our e-mail concerning the timing of your decision regarding our project. You said that we would be hearing from you in a couple of weeks and that the hearing would be sometime this Fall. We assume that means we will hear from you any day now and that the hearing will be in either October or November. Are we correct? Thanks, George Cattermole

On Aug 20, 2012, at 2:58 PM, "Dreher, Nicholas@Coastal" <[Nicholas.Dreher@coastal.ca.gov](mailto:Nicholas.Dreher@coastal.ca.gov)> wrote:

Thank you Mr. Cattermole. I have forwarded this message to my supervisors and Dan Carl (Deputy Director).

Thanks,

Nick

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From: George Cattermole [[georgecattermole@earthlink.net](mailto:georgecattermole@earthlink.net)]

Sent: Sunday, August 19, 2012 6:23 AM

To: Dreher, Nicholas@Coastal

Subject: Cattermole Project

Hello again Nick - please forward this to Dan Karl and the other staff members working on our project. Thanks, George Cattermole

August 18, 2012

To: Coastal Commission Staff

For over a year, in telephone conversations or in person, you have raised the following objections to our project and at one point informed us you were prepared to deny our proposed subdivision based upon these objections. You have also indicated that you are concerned that our plans would permit a house to be built on our PAD land, and we believe this is the real reason you find our project objectionable and that the objections below have been raised have so that we will negotiate away the density credit belonging to our PAD land so that a house cannot be built there. We have indicated that we would be willing to restrict the size of that house to a modest footprint even though the Blank precedent would permit us to build a 15,000 square foot structure on agricultural land. Below we sum up our position regarding what we believe to be bogus and unfair objections to our project.

**LOCAL HOUSING NEEDS:** You said that we could not build residences (we propose two 2,400 sq. ft. residences) on our commercial property because we had not shown that they were necessary to "meet the needs of local employment." This section of the LCP is clearly unenforceable and unconstitutional because even if someone (it is not our job to prove housing needs) could determine what housing "needs" are, the section discriminates against the nonlocal and the unemployed.

**VIEWS:** You said we could not subdivide our commercial land because of LCP section 8.5 which protects views from scenic roads by clustering new lots. This section is intended to apply in the rural area. It makes no sense when applied to our property which is in the commercial/urban area where development has already been concentrated and is expected to be visible.

**CA RED-LEGGED FROG:** It is obvious to the naked eye that we do not have a stream or pond capable of acting as breeding habitat for the CA red-legged frog. Any such pond must be 2-4 feet deep and hold water from March-Sept. CARFs travel up to two miles when foraging. The entire coast within two miles of a stream or pond is foraging habitat. Environmental protection generally involves keeping construction away from breeding ponds and watching for frogs during construction in foraging areas.

We have a man-made, cement enclosed, horizontal well which produces a trickle of water. You have not mentioned this issue since we pointed out that Coastal Commissioner Steve Blank had his own

staff, rather than a biologist, prepare the habitat survey for his property, which does contain a breeding pond, when he built his 15,000 sq. ft. house.

AGRICULTURAL LAND: We have 6 acres of property designated as PAD which it is not economically feasible to farm because it does not have any surface water. This property has one density credit. We fully intend to use this density credit to build a residence on this property which is screened from public view by cypress trees.

We believe these to be inappropriate and/or unconstitutional arguments and a breach of the public trust vested in you by the Coastal Act.

George and Mary Cattermole

**Dreher, Nicholas@Coastal**

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**From:** Dreher, Nicholas@Coastal  
**Sent:** Thursday, September 20, 2012 11:28 AM  
**To:** 'George'  
**Subject:** RE: Cattermole project

Hello Mr. Cattermole,

We will not be able to take this matter to the October hearing. During our review and analysis, we determined this project requires further analysis of the LCP policies as they relate to this very unique and particular property. Let me assure you that we feel we have all the information we need from you at this time and will make sure to include your emails and correspondence in our report and attach them as an exhibit to the report. We will let you know if we have additional questions.

We are therefore focusing on bringing this to the November hearing in Santa Monica. As we stated before, we will give you a call to inform you regarding the nature of our recommendation as soon as we have a recommendation identified. We are now tentatively scheduling this for our November agenda and a more specific noticing (with details etc) will be mailed to you once that schedule is confirmed. The staff report will do its best to fairly analyze the appeal contentions and issues in light of the LCP, and a staff report will be mailed to you once it is ready for distribution - currently scheduled for the November agenda.

We apologize for further delay, but we are determined to make sure our recommendation is appropriate under the requirements of the San Mateo County LCP.

If you have any questions, please respond directly to this email and I will make sure to send in on to anyone in our organization that you prefer.

Nick Dreher  
 Coastal Planner

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**From:** George [mailto:georgecattermole@earthlink.net]  
**Sent:** Thursday, September 13, 2012 11:08 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** RE: Cattermole project

Hello Nick,

We will not be available by phone as we will be out of the country until October 4. Please contact by email regarding your recommendation and should the recommendation consist of a denial of our project we would like to schedule a meeting with you on Monday, October 8 to discuss your decision. Thanks, George Cattermole.

-----Original Message-----

From: "Dreher, Nicholas@Coastal"  
 Sent: Sep 13, 2012 8:04 PM  
 To: 'George Cattermole'  
 Subject: RE: Cattermole project

Hello Mr. Cattermole,

In response to your below email, we will give you a call to inform you regarding the nature of our recommendation as soon as we have a recommendation identified. Your correspondence will be included as an exhibit to Staff Report. We are tentatively scheduling this for our October agenda (10/10-10/12) and a more specific noticing (with details etc) will be mailed to you once that schedule is confirmed. The staff report will do its best to fairly analyze the appeal contentions and issues in light of the LCP, and a staff report will be mailed to you once it is ready for distribution - currently scheduled for the October agenda to be mailed 9/21, but subject to change.

Sincerely,

Nick Dreher

10/18/2012

Coastal Program Analyst

From: George Cattermole [mailto:georgecattermole@earthlink.net]  
Sent: Thursday, September 06, 2012 2:45 AM  
To: Dreher, Nicholas@Coastal  
Subject: Cattermole project

September 6 , 2012

Dear Coastal Commission Staff:

As we prepare for the hearing on our project we need to know the following:

- 1) Will we be advised of the staff recommendation and the basis therefore before the issuance of the staff report?
- 2) Will our responses to the issues raised by you be included in the staff analysis and report?
- 3) Will new issues be raised of which we have not been advised?
- 4) It is our understanding that you do not require any additional information from us. If this is not the case, please let us know.
- 5) Will our e-mails to you discussing the issues raised by you thus far be part of the official record for the project for purposes of appeal to the Superior Court or do we need to print these out and send hard copies to the Commission?
- 6) Can these emails be attached to the staff report so that there is no possibility for disagreement about what emails were sent and/or received?
- 7) How far in advance of the hearing date will we receive a copy of the staff report?

1. How far in advance of the hearing date will we receive notice of the hearing so that we can arrange for transportation to and lodging at the hearing location?

Also, please include the letter below "San Gregorio storeowner answers subdivision critics" to our file and distribute it, along with all of our e-mail correspondence to the commissioners.

George Cattermole

San Gregorio storeowner answers subdivision critics

Several of our neighbors, the San Mateo County Agricultural Advisory Board and your publication have disseminated false and misleading "information" regarding our plans to develop our property.  
To set the record straight:

We have lived in San Gregorio and owned and operated the San Gregorio Store for 30 years. The eastern portion of our property has been zoned commercial for 30 years. We have recently decided to divide the property into four parcels so that we can sell some land to raise the funds necessary to help our children build houses on the commercial part of our land. The San Mateo Planning Department and Board of Supervisors have approved both the subdivision and our plans to build those houses.

Many of the issues raised are unrelated to these plans and directed at our store, which we are not intending to change. We take this personally. We have created a healthy business, which provides numerous services including a post office, free music, restrooms for the public, parking for commuters and bicyclists, and a place where members of the community are able to meet and enjoy themselves.

Contrary to the appeal's claim that what we are proposing is a "minimum" of four houses, what we are planning would permit a maximum of four houses. It is possible that our community will have four new families. It is hard to imagine why anyone would find this to be undesirable. The claim that our project would cause problems with parking and traffic is false. The county requires that all residences provide parking, and the increased traffic would be minimal.

One of the appellants complained that the population of San Gregorio would double and another complained that the new development would harm agriculture. San Gregorio was once a town with a church, a school, a cheese factory, a working hotel, a Chinese laundry and a baseball field on the agricultural land in question. All of these are now gone, but when they existed there was far more agricultural production here than there is now.

When we arrived here, there were three abandoned houses on our commercial land, which we tore down, and on the land they occupied there is now an apple orchard and three large plots on which we grow fava beans, tomatoes and garlic. We were the seventh certified organic farm in California.

Appellants claim there is a California red-legged frog colony on our property and produced photos of such a frog here. Since we moved here there has never been a colony of the frogs on our property because there has not been adequate habitat for the species. The photos show a frog that was dropped off at our store. I built a small sump for it in hopes that we could get a colony started. We made no secret about our efforts and had several groups of students out to learn about the species. Unfortunately, the frog disappeared, and we were told by Dan Holland, a leading expert on the species, that the sump was not adequate habitat. At our request, he drew us a design for small ponds which would be suitable for red-legged frogs, and we are currently in the process of constructing one.

The Review mentions our efforts to protect the frogs and the San Francisco garter snake on a POST property. Yes, it is true that, in the past, we have taken official stands to protect the species on public and public trust lands (California State Parks, Coastal Conservancy, Peninsula Open Space Trust and Midpeninsula Open Space District). The only cases where private lands were involved were cases (e.g. Cascade Ranch) in which we were enforcing covenants and restrictions to protect endangered species we had insisted on when the state sold the property (citizen's taxes, citizen's property) to private individuals. We have never objected officially to development on private property because we know that could well serve as a disincentive for people to care for the species.

Our policy has always been that there are only two viable options in cases where species are present on private property: Persuade the landowner to properly care for the species or purchase the property from a willing seller. I would encourage the appellants who claim to be concerned about the species, three of whom live in homes built on the San Gregorio Creek, which is habitat for the frog, to construct seasonal ponds in conformance with Holland's specifications and manage them for the species.

George Cattermole is a resident of San Gregorio.

**Dreher, Nicholas@Coastal**

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**From:** Dreher, Nicholas@Coastal  
**Sent:** Thursday, October 11, 2012 4:44 PM  
**To:** 'George Cattermole'  
**Subject:** RE: Cattermole project

Does 10am work for you? I am also available all day. I also want to mention I do not want to re-hash all of the issues. You have made your position very clear and I think a short conversation about the current progress and our hearing process will be more constructive. We continue to develop our position during this, the staff report drafting phase of the process.

Thank you,

Nick Dreher

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]  
**Sent:** Thursday, October 11, 2012 4:39 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Cattermole project

Sure - 650 218 6711 - would be helpful if I knew roughly when. George  
 On Oct 11, 2012, at 11:31 AM, Dreher, Nicholas@Coastal wrote:

May I actually call you? I will be working remotely and prefer not to give out my personal number.

Thanks,

Nick

---

**From:** George Cattermole [mailto:georgecattermole@earthlink.net]  
**Sent:** Thursday, October 11, 2012 11:22 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Cattermole project

Hello Nick, I am available all day tomorrow - earlier is better for me - when is the earliest you would be available for me to call you and what number should I use? Thanks, George Cattermole  
 On Oct 11, 2012, at 10:52 AM, Dreher, Nicholas@Coastal wrote:

Hello Mr. Cattermole,

I hope you had a nice vacation/trip. I received your and Mary's voicemails regarding the appeal status. We are working to take this to the November hearing in Santa Monica, as I discussed in the below email on September 20. If you would like to speak by phone, please let me know what time works for you tomorrow, Friday, October 12. Otherwise, I am currently working on our recommendation/report so we can get this item on November's agenda.

Sincerely,

Nick Dreher

---

**From:** Dreher, Nicholas@Coastal  
**Sent:** Thursday, September 20, 2012 11:28 AM  
**To:** 'George'  
**Subject:** RE: Cattermole project

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Nick Dreher  
 Coastal Planner

---

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**Subject:** RE: Cattermole project

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 Subject: RE: Cattermole project

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Sincerely,

Nick Dreher  
 Coastal Program Analyst

From: George Cattermole [mailto:georgecattermole@earthlink.net]  
 Sent: Thursday, September 06, 2012 2:45 AM  
 To: Dreher, Nicholas@Coastal  
 Subject: Cattermole project

September 6 , 2012

Dear Coastal Commission Staff:

As we prepare for the hearing on our project we need to know the following:

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  - 5) Will our e-mails to you discussing the issues raised by you thus far be part of the official record for the project for purposes of appeal to the Superior Court or do we need to print these out and send hard copies to the Commission?
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adequate habitat for the species. The photos show a frog that was dropped off at our store. I built a small sump for it in hopes that we could get a colony started. We made no secret about our efforts and had several groups of students out to learn about the species. Unfortunately, the frog disappeared, and we were told by Dan Holland, a leading expert on the species, that the sump was not adequate habitat. At our request, he drew us a design for small ponds which would be suitable for red-legged frogs, and we are currently in the process of constructing one.

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George Cattermole is a resident of San Gregorio.

**Dreher, Nicholas@Coastal**

---

**From:** George Cattermole [georgecattermole@earthlink.net]

**Sent:** Friday, October 19, 2012 9:39 AM

**To:** Dreher, Nicholas@Coastal

**Subject:** Re: Cattermole Project

Just did so. George

On Oct 19, 2012, at 9:18 AM, Dreher, Nicholas@Coastal wrote:

Hello,

Please also fax it to 415 904 5400. Thank you,

Nick Dreher

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]

**Sent:** Friday, October 19, 2012 9:14 AM

**To:** Dreher, Nicholas@Coastal

**Subject:** Re: Cattermole Project

Hello - have faxed the material I have to 831 427 4877 - let me know if you want me to fax it to a different number. George

On Oct 18, 2012, at 8:00 PM, Dreher, Nicholas@Coastal wrote:

Hello,

Please send them to me and Madeline when you can. Thank you,

Nick Dreher

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]

**Sent:** Thursday, October 18, 2012 7:49 PM

**To:** Dreher, Nicholas@Coastal

**Subject:** Re: Cattermole Project

Hello Mr. Dreher:

We did obtain a County of San Mateo Planning Permit (CDP 85-21/UP 85-12) for moving the barn from our commercial to our ag land in 1985. We can send you copies of what of what records we have.

George Cattermole

On Oct 18, 2012, at 4:46 PM, Dreher, Nicholas@Coastal wrote:

Hello Mr. Cattermole,

I want to clarify one point. As I mentioned in our phone conversation, we continue our deliberative process. We continue to review the project and are working towards a conditional approval. We will let you know when the written staff recommendation is available.

One note with regard to the structure on the PAD land (proposed parcel 3) - it is our understanding

that no permit exists for this structure in its current location. If you can demonstrate otherwise, please provide that additional information (permit history and relocation date).

Sincerely,

Nicholas Dreher  
Coastal Planner

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]  
**Sent:** Thursday, October 18, 2012 9:07 AM  
**To:** Dreher, Nicholas@Coastal  
**Cc:** Carl, Dan@Coastal  
**Subject:** Cattermole Project

Dear Mr. Dreher:

We would like to make sure that you include as attachments to the staff report both our emails to you and your emails to us. Thus, the complete history of our correspondence should be included.

In our telephone conversation on Friday, October 12 you stated that you would be recommending conditional approval of our project. You also said that you wanted to protect our agricultural land. We have previously told you that the land has no water for agricultural use and is not economically viable.

We sincerely hope that the last 14 months of "environmental" review of our project in which you have raised numerous irrelevant and constitutionally prohibited objections to our project has not been designed to extort from us concessions regarding the use of our density credit on our agricultural land. Such appears to have been the case in your treatment of the Sterling Project and we hope you will not similarly overreach and attempt to take away our development rights.

We have indicated our willingness to restrict the size and location of the house we are permitted by the LCP to construct on our ag land, and not take advantage of the Blank precedent which would permit the construction of a 15,800 square foot house.

We would also note that you have told us that our project involves a "very unique and particular property" and we agree. Because of this fact it is unlikely that your decision regarding our project will provide unwanted precedents for future projects such as your interpretation of "single family dwelling" in the Blank case.

George Cattermole, San Gregorio

Nick Dryer A  
 Attn: Ms. Madeline Cavalieri  
 As per Nick Dryer's request 4 pages total  
 From: George Cattermole, San Gregorio  
 (650) 281 6711

Planning Division, County of San Mateo, Phone: (415) 363-4161

ACKNOWLEDGMENT OF RECEIPT OF PLANNING PERMIT APPLICATION

Dear Permit Applicant:

You recently filed an application for planning permits with this office. Your application has been given the following file number(s) and is assigned to the planner listed below for processing.

File Number(s)

CDR 85-21  
 VP 85-12

Planner

Sky Dalton

The above planner will be your primary contact during application processing. Please refer to the file number(s) listed in any correspondence or inquiry. Within 20 days you will be notified of any additional materials needed to complete your application.

3-15-85

Date

Terry Burges, Senior Planner

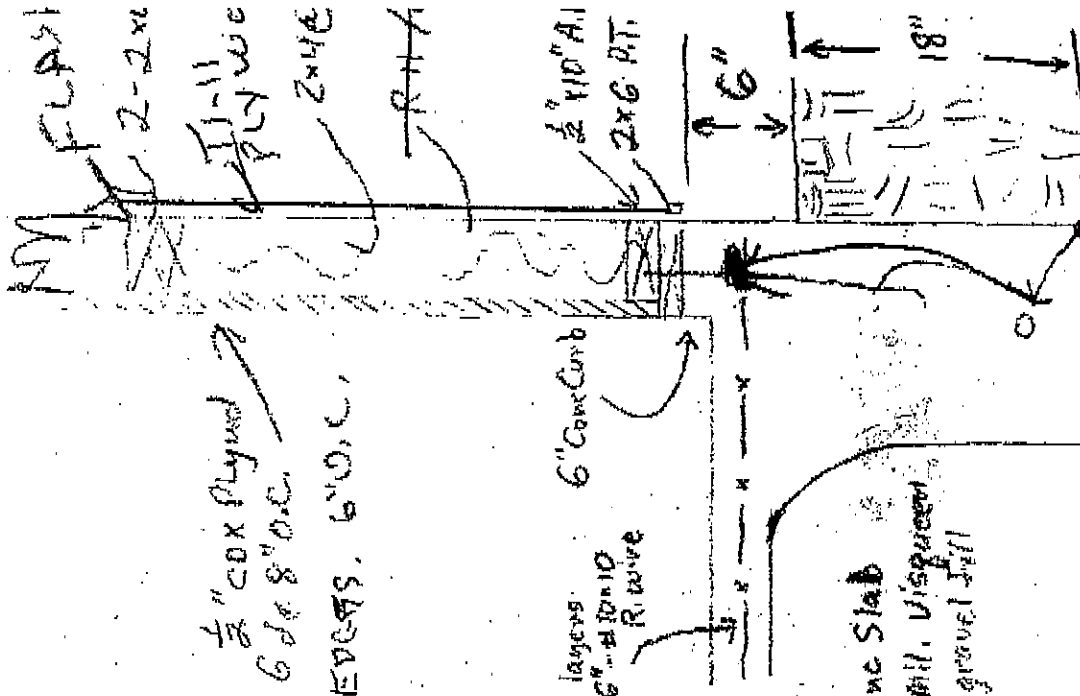
Ordinance Administration Section

Revised foundation plans for  
 to be worked from  
 Stage 1 to new site

# APPROVED PLAN

This approval does not authorize violations  
 of State or County building laws

Date 5/22/86 By [Signature]  
 Department of Environmental Management  
 Development Review Center  
 COUNTY OF SAN MATEO



JOB COPY 4" Conc Slab

over 6" Mill. Disposed  
 over 4" gravel fill

TO REMAIN OPEN  
 SITE AT ALL TIMES

(A)

REVISION

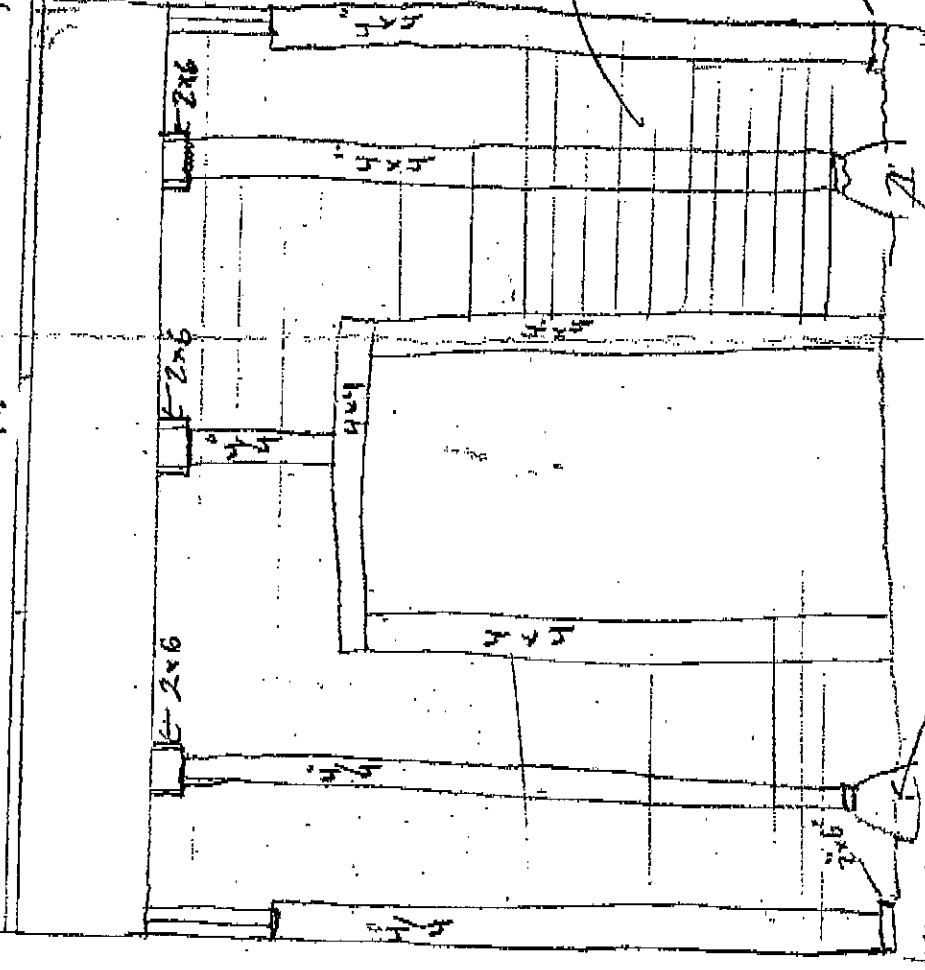
1' = 1'-0"  
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**RECEIVED**  
MAY 20 19  
SAN MATEO CO  
BUILDING INSPE

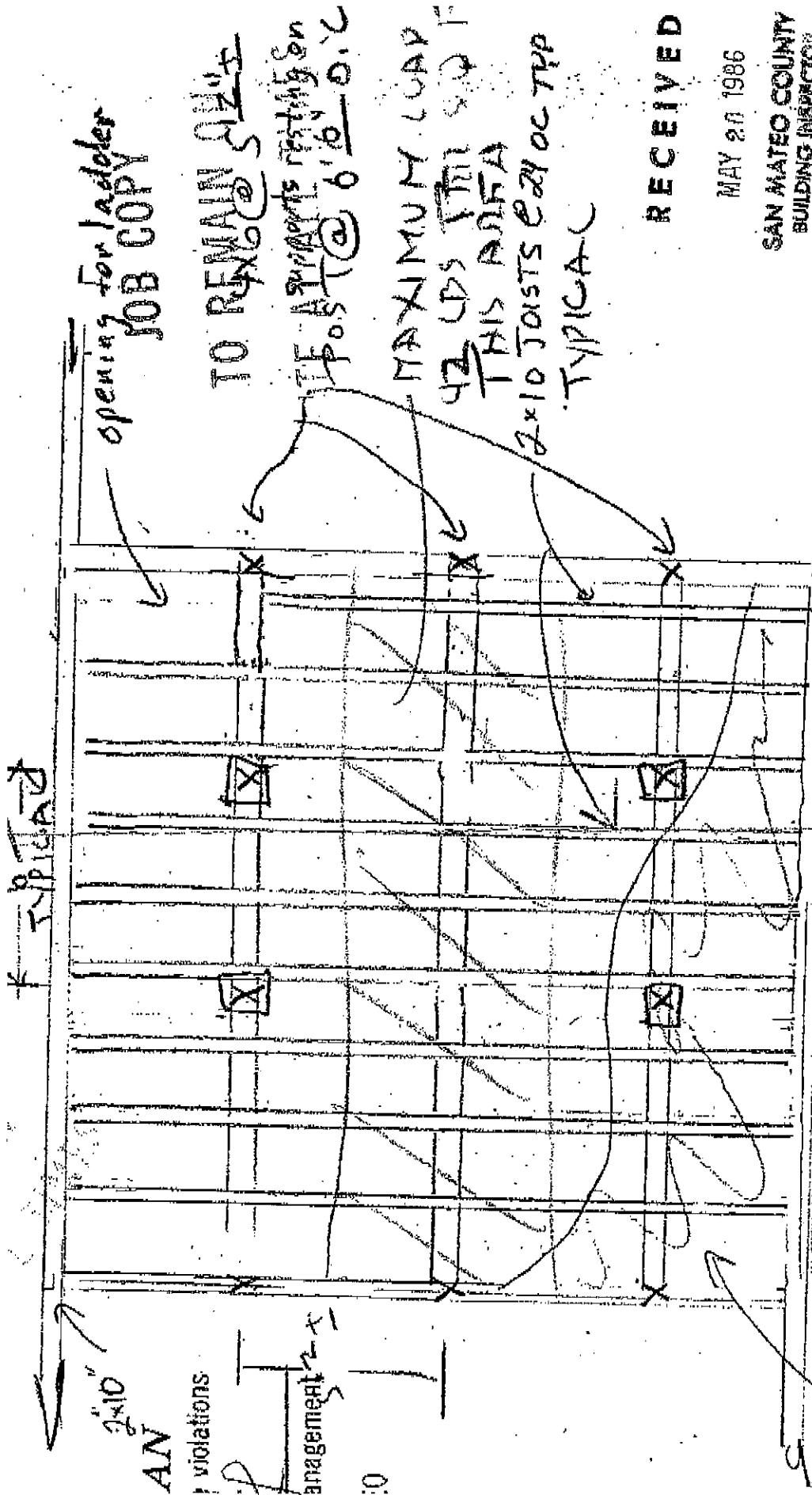
Second Floor Framing, Support, Existing  
TO REMAIN ON  
19'

2x4 FLAT  
2x10

**APPROVED PL**  
This approval does not authorize  
of State or County building law  
Date 5/22/66 By [Signature]  
Department of Environmental  
Development Review Center  
COUNTY OF SAN M



Cement piers, set in 4" cement floor



RECEIVED

MAY 27 1986

SAN MATEO COUNTY  
BUILDING INSPECTION

1/8" PLYWOOD FLOOR  
Second Floor LOFT FLOOR FRAMING

not to scale

B-2

## Dreher, Nicholas@Coastal

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**From:** Dreher, Nicholas@Coastal  
**Sent:** Friday, October 19, 2012 9:45 AM  
**To:** 'George Cattermole'  
**Subject:** RE: our barn

Also, I will be out all next week. Please send any comments, questions or concerns to Madeline Cavalieri at Madeline.Cavalieri@coastal.ca.gov. I will be reachable the following week.

Nick Dreher

-----Original Message-----

From: Dreher, Nicholas@Coastal  
Sent: Friday, October 19, 2012 9:43 AM  
To: 'George Cattermole'  
Subject: RE: our barn

Thank you Mr. Cattermole for such a quick turnaround. We received the fax in SF and we appreciate the provided information below.

Nick Dreher

-----Original Message-----

From: George Cattermole [mailto:georgecattermole@earthlink.net]  
Sent: Friday, October 19, 2012 9:39 AM  
To: Dreher, Nicholas@Coastal  
Subject: our barn

Dear Mr. Dreher:

We can provide thie following history of the barn based on oral statements made to us over the years for which we have no specific sources:

The barn was in the 1936 World's Fair in San Francisco where it was a demonstration dairy nursing barn. Each cow and calf had their own stall with a window, hence, the approx. 32 4'x4' windows.

It was brought down the coast and located somewhere between San Gregorio and La Honda. Whether or not it was ever used as a diary barn, we do not know. When Highway 84 was built in the 1950s, the barn was in the way of the road. Therefore, the County moved it to what is now our property and located it on what is now proposed Parcel #1.

When we purchased the property, the barn was in derelict condition with broken doors and windows and no roof. We attempted to restore it for a residence, but found that it would be too expensive to have it meet County Codes. Because we viewed it as a beautiful building and wanted to preserve a small piece of California history, rather than tear it down, in 1985 we moved it to the PAD portion of our property. We replaced the roof and broken windows with ones obtained from the old Ravenswood High School in East Palo Alto.

George Cattermole

**From:** George Cattermole [georgecattermole@earthlink.net]

**Sent:** Wednesday, November 21, 2012 11:12 AM

**To:** Dreher, Nicholas@Coastal

**Subject:** Re: Cattermole Project

Hello Nick -

I did contact Ms. Cavalieri - you should be aware that the number you gave me is a non-working number - and discussed our concerns with her. She insisted that the staff's handling of our case has not involved intentional abuse on the Commission's part, but rather that the Commission is severely understaffed and that you are proceeding in a timely manner. I would point out that were the staff to have been more forthcoming regarding what from our phone conversations we now believe to be its real concern - zoning and agriculture - we might have been much further along in the "process". Regarding our agricultural land please consider that our ag land and agricultural well are contiguous with the San Gregorio Rural Service Center and within 300 yards of 6 domestic wells. The real possibility of salt intrusion into these wells as well as their contamination from chemicals which are used by local farmers should be kept in mind - case in point - Pescadero. See San Mateo County Local Coastal Plan Section 5.10 (b) and Coastal Act Section 30241 (b)

From your letter we assume that we can now plan on having our hearing in December and that you will not postpone for a sixth time.

We hereby request an immediate hearing on our project so that the Commission can resolve the issues we have raised. Particularly, the Commission needs to act to correct its violation of LCP section 5.2 in the designation of a portion of our parcel as PAD. In the event that a hearing is not held in December, 2012, we will file a Writ of Mandate to compel a hearing as well as an Complaint for Declaratory Relief, Equitable Relief, and Damages.

Thanks for your attention to these matters which are of great importance to us. George Cattermole

On Nov 19, 2012, at 11:45 AM, Dreher, Nicholas@Coastal wrote:

Hello Mr. Cattermole,

I received your voicemail. As I intimated last week (I may not have been clear), we have decided not to send a letter requesting agricultural information and are moving forward to the December hearing. Our internal discussions have led us to this direction, discussions which were ongoing when you and I discussed the letter a little over a week ago. The confusion has been unfortunate and for that I am sincerely sorry, but decisions are not made quickly and we are doing our best to develop a recommendation consistent with the LCP. With regard to our recommendation, it will be available once the report is mailed out. I will be sure to inform you as soon as it is made publicly available. It will be accessible online as well as mailed to you. Once it is public, I encourage you to read the recommendation and then we can pursue a meeting/conversation with you prior to the December hearing date, if we all believe such a meeting to be productive and helpful to the process. I am in the process of drafting. You are always welcome to contact Madeline Cavalieri – 415 905 5260 if you feel I am not adequately addressing your concerns. We will be in touch as soon as the report is finalized and ready to be mailed out.

Nick Dreher

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]

**Sent:** Friday, November 16, 2012 6:38 AM

**To:** Dreher, Nicholas@Coastal

**Subject:** Re: Cattermole Project

Hello Nick -

I accept your apology but am convinced, from the broken promise and the pattern of our past exchanges that the "confusion" you refer to was calculated - even a dog knows the difference between being stumbled over and kicked. I am also aware that you are not calling all the shots so please know that my last letter was directed at the Commission staff team as a whole.

In order to comply with one of the two County requirement for our subdivision (the other a minor change in our planned septic configuration), we are currently moving out the people who live in the barn (they will be gone by early December) and will then remove the plumbing etc. This is sad because as the barn now stands, it is in far better - safer, more hygienic and more comfortable - than most of the existing farm labor housing on the coast - as one county inspector put it, it is the Ritz compared to what he has seen in Pescadero. We plan on leaving the barn in its present location. The barn has always been an agricultural structure. We have abandoned our efforts to have the barn permitted as farm labor housing because we have learned that it does not meet the current building code requirements. In particular, it has too many windows to meet the energy requirements. However, we reserve the right

Exhibit No. 6

A-2-SMC-11-032 (Cattermole)

Applicant Correspondence

Page 62 of 66

to renew those efforts at a later time. Perhaps, some windows could be eliminated.

We would have moved on this requirement sooner except that one of the occupants was involved in a near fatal accident and we have put off evicting her and her family until she was well enough to leave. A friend, a farm laborer who worked for a local farmer and formerly stayed there for 12 years free of charge has returned to Mexico.

Should someone decide to build a house on the land he or she may have the means to upgrade the structure to farm labor housing.

Please let me know if there is any further information you need, what you intend to recommend to the Commissioners, and when we can expect the staff report.

George Cattermole

On Nov 15, 2012, at 2:22 PM, Dreher, Nicholas@Coastal wrote:

Hello Mr. Cattermole,

I apologize for the confusion this past week. At this time, we are moving forward to get this on in December. I have a question regarding your proposal or intention concerning the residential barn on the PAD land. Are you proposing to retain it as an uninhabited barn in its same location (permitted use in ag), or as farm labor housing (conditional use in ag)? Each option carries a separate analysis, but I just need to know your present intent. You have provided sufficient detail on the history, I just need to know what you want to do moving forward.

Thank you,

Nick

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]

**Sent:** Tuesday, November 13, 2012 7:12 AM

**To:** Dreher, Nicholas@Coastal

**Subject:** Re: Cattermole Project

Hello Nick,

Fort months you have been promising to tell us whether or not you need more information from us, what your concerns are, if any, and when our hearing will take place. You have told us that you appreciate our being patient. Five times you have given us a "probable" hearing date and five times that date has been cancelled. We were supposed to have a hearing in November and that hearing was actually posted on your web site's hearing schedule, only to be taken down 24 hours later because you needed information on our barn which has been there all along - you and Ms Cavalarie and Dan Carl walked around it months ago. You began months ago telling us you were going to deny the project based on "local employment" and "visual" concerns, then told us months later we could expect "conditional approval" and a few days ago that you are going to find that there is a significant issue and that I would receive a letter last Friday explaining exactly what you wanted from us. You did not send the letter, but only now respond without the letter. All this amounts to unprofessional behavior. Were I to run my business in such a fashion, I would be out of business. I am a supporter of the Coastal Commission and its goals, but I now feel as I did when my country was being run by Bush - I support it, but do not support those running it because they are abusing their powers.

Please let us know what day this week you will be contacting us. George Cattermole

On Nov 13, 2012, at 6:00 AM, Dreher, Nicholas@Coastal wrote:

Hello,

We will get back to you on this email and the requirement for agricultural viability information soon, so please hold off on pursuing any viability study. I will contact you again this week to check in on this project.

Thank you,

Nick Dreher

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**From:** George Cattermole [mailto:georgecattermole@earthlink.net]

**Sent:** Monday, November 12, 2012 11:57 AM

**To:** Dreher, Nicholas@Coastal

**Cc:** Cavaleri, Madeline@Coastal; Carl, Dan@Coastal

**Subject:** Cattermole Project

November 10, 2012

Dear Coastal Commission staff:

After 15 months of review by you, numerous statements that you needed no more information from us, and statements that our project was ready for hearing, we were advised on November 8, 2012 that you required an agricultural viability study of our entire property. If we did not comply with these demands, you would delay our project by claiming that there was a substantial issue.

#### Viability of agriculture

We have previously provided you with an historical account of our inability to establish commercially viable agriculture on our property chiefly because of the small size of our parcel and because we do not have access to water for irrigation. If you would like us to provide you with additional details of those efforts, we can do so. However, we advise you that these details will be difficult for us to remember and write and difficult for you to read, i.e. a tale of woe.

There has been no attempt at commercial agriculture on **any** of our property for over 25 years. We have engaged in "backyard gardening" on proposed Parcel 2 with no expectation or receipt of remuneration. Efforts to sell what little produce we have grown have ended in failure. We do not believe that use of ground water for commercial agricultural purposes is consistent with good land stewardship because it can lead to depletion of the ground water aquifer and, in areas near the coast, salt water intrusion.

There are no individuals or professional entities licensed or recognized as experts in "agricultural viability". Therefore, our statements and opinions are as good as anyones. It is not appropriate for you to be asking for agricultural data for property inside the urban/rural boundary. The zoning boundary (which was drawn and approved by the County and the Commission ) separating the commercial and PAD portions of our property established what analyses are necessary for development on each type of property . On commercial property within the the urban/rural boundary, analysis of soil type or agricultural potential is not necessary or relevant for development. On the PAD land, the soil type and agricultural potential is relevant, but we are not proposing any development on that parcel at this time. By our subdivision, we are making the urban/rural boundary a property line. Agricultural analysis of this property line is not necessary because the type of agricultural analysis required was established when you drew the urban/rural boundary line.

Finally, none of these issues would arise were it not for your violation of LCP section 5.2 in the designation of a portion of our parcel as PAD despite the fact that "the parcel" is in the rural service center.

#### Consistency of Rule Application

It is important that government entities that control people's lives adopt clear rules that are applied consistently. One of your staff members appeared to be laughing at me as he explained that the Local Coastal Plan was ambiguous and inconsistent and that it was up to him to determine what was required.

When Coastal Commissioner, Steve Blank built his 15,000 sq.ft. house and outbuildings on prime soil and lands suitable for agriculture, he did not submit an agricultural viability study.

Here is the relevant portion of the Coastal Commission staff analysis of how the Blank house meets the showing required by LCP Policy 5.10a(2) that "continued or renewed agricultural use of the soil is not feasible":

*"The applicant proposes to plant three acres of raspberries in an undefined location. The proposed development would not prevent renewed agricultural use of the soils. Therefore the*

*proposed residential development and horse barn meet the second criteria of LUP(sic) Policy 5.10a.”*

We are willing to plant raspberries in an undefined location (but we have no water to irrigate them) and note that our proposed development would not prevent renewed use of the soils on the PAD parcel because we are not even proposing development on the parcel at this time.

Your goal is an unconstitutional taking

We realize that you do not want us to build on our PAD parcel despite the fact that the LCP gives us the right to one density credit to build a house there. You have been raising bogus issues for purposes of delay and harassment. Now, you are requesting irrelevant information.

We believe that you are acting outside the scope of your authority in an effort to “take” our development rights and engaging in abuse of process by making demands for irrelevant information and threats of delay.

Mary Cattermole

**Dreher, Nicholas@Coastal**

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**From:** George Cattermole <georgecattermole@earthlink.net>  
**Sent:** Monday, November 26, 2012 6:23 PM  
**To:** Dreher, Nicholas@Coastal  
**Cc:** Cavalieri, Madeline@Coastal; Carl, Dan@Coastal  
**Subject:** agricultural viability of Cattermole ag land

Hello Nick,

While I realize you have said you no longer want us to do an ag viability study, I also remember that you said ( in our phone conversation in which you said you would be sending me a letter the following day spelling out what the Commission wanted in the study ) that the Commission "almost always wanted" such a study. We have already sent you a great deal of information about our ag efforts and related materials, but I want you also to look at a relevant study which bears on the viability of our ag land. The potential for profitable agriculture on our ag land is constrained by the lack of storable surface water and the fact that the quality of groundwater in the San Gregorio Creek watershed is relatively highly saline. For a discussion of groundwater quality in our watershed please see Appendix A in the San Gregorio Creek Watershed Management Plan: Groundwater Influences Affecting Aquatic Habitat Potential, San Gregorio Creek Watershed by Robert Zatzkin and Barry Hecht. < [http://www.sanmateorcd.org/SanGregorioWMP\\_final.pdf](http://www.sanmateorcd.org/SanGregorioWMP_final.pdf)>

George Cattermole

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT ST, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE (415) 904-5260  
 FAX (415) 904-5400  
 TDD (415) 597-5885

**Memorandum****December 11, 2012**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director  
 North Central Coast District

Re: **Additional Information for Commission Meeting**  
**Thursday December 13, 2012**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th12a	A-2-SMC-11-32 (Cattermole, San Mateo Co.)	Staff Report Addendum	
Th12a	A-2-SMC-11-32 (Cattermole, San Mateo Co.)		
		Emails, George Cattermole	1-18
		Email, Lynn Ross	19-21
		Email, Deirdre Conley	22-23
		Email, Nirmala Dillman	24-25
		Email, Gary Weinberg	26-27
		Email, Diana O'Neill	28
		Email, David Rhodes	29-36
		Email, Kathleen Armstrong	37-39
Th12b	A-2-SMC-11-044 (Gerardo-Lietz, San Mateo Co.)		
		Correspondence, Ann Forrister & Casey Schaufler	40-41
		Email, Ted Harris	42-46
Th12.5a	2-06-017 (Daniel Altman and Avi Atid, Marin Co.)		
		Correspondence, Scott Miller	47
	AIMCO	Bart Willoughby Materials	

Th/2a

**Dreher, Nicholas@Coastal**

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**From:** George Cattermole <georgecattermole@earthlink.net>  
**Sent:** Tuesday, December 04, 2012 12:32 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Re: Meeting request

Hello Staff members - we have a proposal that I believe will satisfy all of us. It involves us redrawing our proposed boundaries so that only one house could be built on the commercial land which would be on the same parcel as the PAD1 and selling our density credit rather than using it on our PAD land. We would rather not go to court over our density credit, but shall if need be, and I think we have a good chance of prevailing. Water distribution would also need to be worked out. We are currently having our well tested and it is highly likely that they are hydrologically connected. We may need to postpone the hearing, but would rather not. George Cattermole

On Dec 3, 2012, at 2:01 PM, Dreher, Nicholas@Coastal wrote:

Hello Mr. Cattermole,

I received your voicemail messages regarding a possible meeting. I will discuss this with Dan and Madeline and see if we can arrange for something this week.

Sincerely,

Nick Dreher  
415 904 5251

Th/2a

Dreher, Nicholas@Coastal

**From:** George Cattermole <georgecattermole@earthlink.net>  
**Sent:** Thursday, December 06, 2012 8:46 AM  
**To:** Dreher, Nicholas@Coastal; Cavallieri, Madeline@Coastal; Carl, Dan@Coastal  
**Subject:** Cattermole Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Nick,

Got your message and we will be there 9am Friday. We would like to discuss our recent proposal, the issues raised in your staff report, our density credit, Section 5.2 of the LCP and the following Sections of the Coastal Act as they pertain to our project:

Coastal Act:

**Section 30231 Biological productivity; water quality**

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water-flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. (Emphasis mine.)*

**Section 30108 Feasible**

*"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors*

**Water on Our Property**

The San Gregorio Rural Service Center is served by a well on Parcel #1. This is a good, long standing well that has served our store since 1889 and our home since 1928. The well has been monitored closely by the County and State. Most existing development in our area takes place close to the San Gregorio Creek on land with water rights to and wells adjacent to San Gregorio Creek. Parcels which do not have water rights to the creek or a well that benefits from creek underflow have difficulty finding and maintaining a potable water supply and must use water sparingly.

We are willing to allow the well on Parcel #4 to be used for serving farm labor housing and/or the limited residential use we have proposed. ("Limited" = restricted size and location of residence). We originally drilled the well on Proposed Parcel #4 as an agricultural well because we were pursuing legalizing the barn as farm labor housing.

We are **not willing to have either of our wells used for feasible commercial agriculture**. For 123 years our well has met the needs of a rural service center providing toilets, hand washing, drinking water, food preparation. The use of our exiting water for commercial agriculture threatens the quality and quantity of water that is needed to serve our rural service center.

We now propose converting the well on Parcel #4 to a domestic well. We have not yet written the water sharing agreement for use of the well, but are considering specifically restricting the water use to domestic use only.

George Cattermole

**Dreher, Nicholas@Coastal**

Th/2a

**From:** George Cattermole <georgecattermole@earthlink.net>  
**Sent:** Sunday, December 09, 2012 12:16 PM  
**To:** Carl, Dan@Coastal; Cavaliere, Madeline@Coastal; Dreher, Nicholas@Coastal; James Castaneda  
**Subject:** Cattermole Project  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

San Gregorio

December 8, 2012

To: California Coastal Commission Commissioners:

My family and I moved to San Gregorio thirty three years ago when we purchased the San Gregorio General Store. Since that time we have removed three old deteriorating houses and the gas station which involved a major environmental cleanup. In 1984 the County and Commission zoned our property into roughly two halves, the eastern half store parcel was zoned commercial and the western half was zoned PAD. After determining that we could not afford to renovate our barn on our commercial parcel as a residence, we moved it to our ag parcel.

It is clear from the staff report that the primary issues involve what we intend to do with our agricultural, PAD parcel and whether or not the designation of that parcel created a density credit that we can use on it.

Density credits are units in a currency developed to be used only on lands which are designated as "Open Space" which includes Public Recreation, Private Recreation, General Open Space, and Agriculture. The currency cannot be used on lands which are zoned commercial. At the same instant a portion of our land was zoned PAD, the remaining portion was zoned commercial. The density credit that was created in that instant cannot then travel to lands zoned commercial in which such currency is neither needed nor permitted.

We have indicated that we are willing to minimize the impact of using our density credit in either one of two ways, both of which involve compromises on our part which benefit agriculture.

**Option One:**

We have agreed with the staff's opinion that conformity with the LCP could be achieved were our subdivision "be reconfigured to enlarge parcel 3 sufficiently to allow for a building site that is not on prime agricultural land."

We have informed staff that we would be willing to do this - to join parcels 3 and 4 rather than split them. Note that this "enlargement of parcel 3" involves our attaching our commercial land to our PAD land which in all likelihood results in our taking an economic hit. We have also indicated that we would be willing to restrict the size of the single family dwelling that would go on our ag land. Because the LCP had been interpreted in a way which permits 15,800 square ft. single family homes, this also represents a willingness on our part to compromise to meet the staff's concerns.

**Option Two:**

We would agree to not use our density credit on our ag land. This would expose us to the vagaries of the density credit market and it is near certain that it will result in our obtaining less economic benefit than the conditioned use of our density credit in option two. This would resolve the major issue identified by the Commission staff, and avoid litigation costs for both of us.

Staff has acknowledged that our situation is "unique and particular" and that is primarily because our land is, as far as the county and we know, the only parcel in San Mateo that is split zoned. To make the point clearer: any future subdivision that comes before you that involves density credits will involve density credits that were generated by and General Open Space Land and must be used on them. There is thus no danger that approval of our project will set a bad precedent.

Staff objects that a road leading to a residence in the northwest corner of our property would require a road which would cover ag soil. When staff visited, we walked the land and showed them where we would be willing to site the home on our ag land - a site that utilizes the maximum amount of non-prime soils and the least amount of prime soils. They did not realize we were always walking on "ranch roads" because they are not paved. We walked from our store to the barn driveway, then crossed it on a "ranch road" leading to our Eucalyptus grove. That "ranch road" is used for transporting firewood we harvest from our Eucalyptus grove for heating our store and by an employee who is a falconer who uses it to access his coops in the grove. It is just as much a ranch road as large portions of Commissioner Blanks driveway which covers acres of ag land and was determined to be part of an existing ranch road.

Any honest evaluation of the two staff reports - Commissioner Blank's and ours-will reveal that there are different standards of fairness employed. We sincerely believe that most of the staff's concerns could have been resolved were they to have been as available and cooperative as they were in Commissioner Blank's case.

Th12a

Dreher, Nicholas@Coastal

From: George Cattermole <georgecattermole@earthlink.net>  
Sent: Sunday, December 09, 2012 10:31 AM  
To: Carl; Dan@Coastal; Cavalleri; Madeline@Coastal; Dreher, Nicholas@Coastal; James Castaneda  
Subject: Cattermole Project: Density Credit Analysis  
Follow Up Flag: Follow up  
Flag Status: Flagged

Dear Coastal Commission staff:

The zoning of our property creates two zoning areas.

The LCP did not anticipate the creation of parcels with split zoning. The only way to understand the LCP in conjunction with the split zoning is to understand that the word "parcel" means "zoning area" or "zoning parcel".

The issue is the number of structures (the density) allowed in each zoning area.

Table 1.2 Line (8) Neighborhood Commercial/Rural Service Center/Urban Area and C1/S7 zoning area:

Table 1.2 of the LCP applies to the rural service center. Under line (8) Neighborhood Commercial the columns Urban Area and Rural Service Center are checked indicating that this line applies to our property. **The column for "Density" is blank.**

To determine the density for this zoning area, we must turn the Basic Zoning Development Standards table of the Zoning Ordinances (the S-7 Table). This table determines the number of structures allowed (the density) by the column entitled "Minimum lot area per dwelling unit". In the S-7 area for every 5,000 sq. ft. of land, you are allowed one dwelling unit.

In conclusion, the density of development in the Line (8) Neighborhood Commercial zoning area is determined by the Basic Zoning table.

Table 1.2, Line (18) Agricultural/Rural Area:

In the Agricultural/Rural Area, the density of development is controlled by a system of "density credits". The only zoning areas which use density credits are lines (15), (16) (17) and (18) of Table 1.2 of the LCP.

Line (18) Agriculture under column "Density" refers to a system of density credits. Table 1.2 refers by footnote #1 to Table 1.3 to determine the number of "density credits" for each parcel.

Table 1.3 states that "all legal parcels shall accumulate at least one density credit." Because Table 1.3 is setting out zoning rules, the words "legal parcel" mean, in this context, the "zoning area" or "zoning parcel".

Even if the words "legal parcel" refer to entire larger parcel and the larger parcel generates the density credit, that does not mean that the density credit can be **used** on any portion of the larger parcel. It cannot. ~~Table 1.2 controls the "Land Uses and Development Densities"~~ of the density credit. The density credit must stay and be used on the line (18) Agricultural/Rural zoning area in accordance with Table 1.2.

**The density credit cannot be used on the Line (8) Neighborhood Commercial area because, the "Density" column for line (8) is blank because Neighborhood Commercial does not use density credits. The only "Land Uses" which use density credits are Lines 15, 16, 17 and 18.**

In conclusion, **the Agricultural portion of our property has one density credit which can only be used on it.** It is true that this zoning area consists almost entirely of prime soil. Nevertheless, the LCP allows the use of a density credit on prime soil when there is no other building site on the parcel.

The County and Commission created and approved this Agricultural "zoning parcel".

Creation of a zoning parcel whose only building site is on prime soil or subdivision which requires a density credit

The LCP requires a that a subdivision have a density credit for each parcel created. We have a density credit for the Agricultural parcel. The Neighborhood/Commercial parcel does not require one.

The LCP prohibits the "creation" of a parcel whose only building site is on prime soil. We submit that the word "parcel" here means "zoning area" or "zoning parcel". The Commission already "created" the "zoning parcel" when it created the split zoning. Putting this "zoning parcel" on its own "property parcel" does not change the nature of the parcel. We are not "creating" the zoning parcel". It was created by the Commission. Therefore, our proposed subdivision does not violate the LCP.

Mary Cattermole

RECEIVED

DEC 10 2012

Th/2a

To: Coastal Commissioners

From: George Cattermole, Applicant

Re: Cattermole Project. 1213/2012, Line 12a

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

My family and I moved to San Gregorio thirty three years ago when we purchased the San Gregorio General Store. Since that time we have removed three old deteriorating houses and the gas station which involved a major environmental cleanup. In 1984 the County and Commission zoned our property into roughly two halves, the eastern half store parcel was zoned commercial and the western half was zoned PAD. After determining that we could not afford to renovate our barn on our commercial parcel as a residence, we moved it to our ag parcel.

It is clear from the staff report that the primary issues involve what we intend to do with our agricultural, PAD parcel and whether or not the designation of that parcel created a density credit that we can use on it.

Density credits are units in a currency developed to be used only on lands which are designated as "Open Space" which includes Public Recreation, Private Recreation, General Open Space, and Agriculture. The currency cannot be used on lands which are zoned commercial. At the same instant a portion of our land was zoned PAD, the remaining portion was zoned commercial. The density credit that was created in that instant cannot then travel to lands zoned commercial in which such currency is neither needed nor permitted.

We have indicated that we are willing to minimize the impact of using our density credit in either one of two ways, both of which involve compromises on our part which benefit agriculture.

**Option One:**

We have agreed with the staff's opinion that conformity with the LCP could be achieved were our subdivision "be reconfigured to enlarge parcel 3 sufficiently to allow for a building site that is not on prime agricultural land." We have informed staff that we would be willing to do this - to join parcels 3 and 4 rather than split them. Note that this "enlargement of parcel 3" involves our attaching our commercial land to our PAD land which in all likelihood results in our taking an economic hit. We have also indicated that we would be willing to restrict the size of the single family dwelling that would go on our ag land. Because the LCP had been interpreted in a way which permits 15,800 square ft. single family homes, this also represents a willingness on our part to compromise to meet the staff's concerns.

**Option Two:**

We would agree to not use our density credit on our ag land. This would expose us to the vagaries of the density credit market and it is near certain that it will result in our obtaining less economic benefit than the conditioned use of our density credit in option two. This would resolve the major issue identified by the Commission staff, and avoid litigation costs for both of us.

Staff has acknowledged that our situation is "unique and particular" and that is primarily because our land is, as far as the county and we know, the only parcel in San Mateo that is split zoned. To make the point clearer: any future subdivision that comes before you that involves density credits will involve density credits that were generated by and General Open Space Land and must be used on them. There is thus no danger that approval of our project will set a bad precedent.

George Catttermole

RECEIVED

DEC 10 2012

To: Coastal Commissioners

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

From: Mary Cattermole, Applicant

Re: Cattermole Project, 12/13/2012, Line 12a

**\*5.2 Designation of Prime Agricultural Lands**

Designate any **parcel** which contains **prime agricultural lands** as Agriculture on the Local Coastal Program Land Use Plan Map, **subject to the following exceptions:** State Park lands existing as of the date of Local Coastal Program certification, urban areas, **rural service centers**, and solid waste disposal sites necessary for the health, safety, and welfare of the County.

**\*5.7 Division of Prime Agricultural Land Designated as Agriculture**

- a. Prohibit the division of parcels consisting entirely of prime agricultural land.
- b. Prohibit the division of prime agricultural land within a parcel, unless it can be demonstrated that existing or potential agricultural productivity would not be reduced.
- c. Prohibit the creation of new parcels whose only building site would be on prime agricultural land.

**Section 30519.5 Periodic review of certified local programs; recommendations; reports**

(a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being *effectively implemented* in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it *shall* submit to the affected local government *recommendations of corrective actions* that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.

From: George Cattermole <georgecattermole@earthlink.net>  
Subject: Cattermole Project: Density Credit Analysis  
Date: December 9, 2012 10:30:53 AM PST  
To: "Dan@Coastal Carl" <dan.carl@coastal.ca.gov>, "Madeline@Coastal Cavalieri" <madeline.cavalieri@coastal.ca.gov>,  
"Nicholas@Coastal Dreher" <Nicholas.Dreher@coastal.ca.gov>, James Castaneda <jcastaneda@co.sanmateo.ca.us>

Dear Coastal Commission staff:

The zoning of our property creates two zoning areas.

The LCP did not anticipate the creation of parcels with split zoning. The only way to understand the LCP in conjunction with the split zoning is to understand that the word "parcel" means "zoning area" or "zoning parcel".

The issue is the number of structures (the density) allowed in each zoning area.

Table 1.2 Line (8) Neighborhood Commercial/Rural Service Center/Urban Area and C1/S7 zoning area:

Table 1.2 of the LCP applies to the rural service center. Under line (8) Neighborhood Commercial the columns Urban Area and Rural Service Center are checked indicating that this line applies to our property. **The column for "Density" is blank.**

To determine the density for this zoning area, we must turn the Basic Zoning Development Standards table of the Zoning Ordinances (the S-7 Table). This table determines the number of structures allowed (the density) by the column entitled "Minimum lot area per dwelling unit". In the S-7 area for every 5,000 sq. ft. of land, you are allowed one dwelling unit.

In conclusion, the density of development in the Line (8) Neighborhood Commercial zoning area is determined by the Basic Zoning table.

Table 1.2: Line (18) Agricultural/Rural Area:

In the Agricultural/Rural Area, the density of development is controlled by a system of "density credits". The only zoning areas which use density credits are lines (15), (16) (17) and (18) of Table 1.2 of the LCP.

Line (18) Agriculture under column "Density" refers to a system of density credits. Table 1.2 refers by footnote #1 to Table 1.3 to determine the number of "density credits" for each parcel.

Table 1.3 states that "all legal parcels shall accumulate at least one density credit." Because Table 1.3 is setting out zoning rules, the words "legal parcel" mean, in this context, the "zoning area" or "zoning parcel".

Even if the words "legal parcel" refer to entire larger parcel and the larger parcel generates the density credit, that does not mean that the density credit can be **used** on any portion of the larger

parcel. It cannot. Table 1.2 controls the "Land Uses and Development Densities" of the density credit. The density credit must stay and be used on the line (18) Agricultural/Rural zoning area in accordance with Table 1.2.

**The density credit cannot be used on the Line (8) Neighborhood Commercial area because, the "Density" column for line (8) is blank because Neighborhood Commercial does not use density credits. The only "Land Uses" which use density credits are Lines 15, 16, 17 and 18.**

In conclusion, **the Agricultural portion of our property has one density credit which can only be used on it.** It is true that this zoning area consists almost entirely of prime soil. Nevertheless, the LCP allows the use of a density credit on prime soil when there is no other building site on the parcel.

The County and Commission created and approved this Agricultural "zoning parcel".

Creation of a zoning parcel whose only building site is on prime soil or subdivision which requires a density credit

The LCP requires a that a subdivision have a density credit for each parcel created. We have a density credit for the Agricultural parcel. The Neighborhood/Commercial parcel does not require one.

The LCP prohibits the "creation" of a parcel whose only building site is on prime soil. We submit that the word "parcel" here means "zoning area" or "zoning parcel". The Commission already "created" the "zoning parcel" when it created the split zoning. Putting this "zoning parcel" on its own "property parcel" does not change the nature of the parcel. We are not "creating" the zoning parcel". It was created by the Commission. Therefore, our proposed subdivision does not violate the LCP.

Mary Cattermole

TABLE 1.2 LAND USES AND DEVELOPMENT DENSITIES						
LAND USE	DENSITY	URBAN AREA	RURAL SERVICE CENTER	RURAL RESIDENTIAL AREA	FARM LABOR HOUSING AREA	RURAL AREA
<b>RESIDENTIAL</b>						
(1) Very Low	(0.0-0.2 d.u./ac.)		X	X	X	X
(2) Low	(0.3-2.0 d.u./ac.)	X	X		X	
(3) Medium Low	(2.1-6.0 d.u./ac.)	X	X		X	
(4) Medium	(6.1-8.0 d.u./ac.)	X	X		X	
(5) Medium High	(8.1-16.0 d.u./ac.)	X				
(6) High	(16.1-32.0 d.u./ac.)	X				
<b>COMMERCIAL</b>						
(7) General Commercial	-----	X	X			
(8) Neighborhood Commercial	-----	X	X			
(9) Coastside Commercial Recreation	-----	X	X			
(10) Offices	-----	X				
<b>INDUSTRIAL</b>						
(11) General	-----	X				
(12) Heavy	-----	X				
<b>OTHER</b>						
(13) Institutional	-----	X	X			
(14) Transportation	-----	X				
<b>OPEN SPACE</b>						
(15) Public Recreation	(1 d.c./40 ac.- 1 d.c./160 ac.) <sup>1</sup>	X	X			X
(16) Private Recreation	(1 d.c./40 ac.- 1 d.c./160 ac.) <sup>1</sup>	X	X			X
(17) General Open Space	(1 d.c./40 ac.- 1 d.c./160 ac.) <sup>1</sup>	X	X		X <sup>2</sup>	X
(18) Agriculture	(1 d.c./40 ac.- 1 d.c./160 ac.) <sup>1</sup>	X	X		X <sup>2</sup>	X

<sup>1</sup> See Table 1.3 for explanation of computation of maximum density of development for compatible conditional uses.

<sup>2</sup> Maximum density permitted is eight dwelling units per acre.

**\*TABLE 1.3**

**MAXIMUM DENSITY CREDITS**

In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits to which any legal parcel is entitled by using the method of calculation shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations. All legal parcels shall accumulate at least one density credit. Except as provided in Policy 5.11, the sum of the density credits on parcels created by a land division shall not exceed the total credits on the original parcels or parcels divided.

**A. Prime Agricultural Lands**

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Policy 5.1 (i.e., the number of acres of Prime Agricultural Land divided by 160).

**B. Lands With Landslide Susceptibility**

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

**C. Land With Slope 50% or Greater**

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

**D. Remote Lands**

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

**\*TABLE 1.3** (continued)

**MAXIMUM DENSITY CREDITS**

**E. Land With Slope 30% But Less Than 50%**

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

**F. Land Within Rift Zones or Active Faults**

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active Faults, Probably Active Faults, and Associated Fracture Zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

**G. Lands Within 100-Year Floodplain**

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

**H. Land With Slope 15% But Less Than 30%**

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

**I. Land Within Agricultural Preserves or Exclusive Agricultural Districts**

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

**J. All Other Lands**

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

# San Mateo County Planning and Building Division

## Basic Zoning Development Standards

District	Minimum building site		Minimum lot area per dwelling unit	Minimum yards required			Maximum height		Maximum coverage permitted %
	Lot width (ft.)	Minimum area (sq. ft.)		Front (ft.)	Side** (ft.)	Rear (ft.)	Stories	Feet	
S-1	50	5,000	500	20	5	20	3	36	50
S-2	50	5,000	1,000	20	5	20	3	36	50
S-3	50	5,000	1,250	20	5	20	3	36	50
S-4	50	5,000	1,650	20	5	20	3	36	50
S-5	50	5,000	2,500	20	5	20	3	36	50
S-6	50	5,000	3,500	20	5	20	3	36	50
S-7	50	5,000	5,000	20	5	20	3	36	50
S-8	50	7,500	7,500	20	5	20	3	36	40
S-9	50	10,000	10,000	20	10	20	3	36	30
S-10	75	20,000	20,000	20	10	20	3	36	25
S-11*	100	1-5 ac.	1-5 ac.	50	20	20	3	36	15
S-17*	50	5,000	5,000	20	5-10	20	*	28	35-50
S-50*	50	5,000	2,500	20	5	20	2	28	50
S-71	50	5,000	5,000	20	5	20	*	30	50
S-72*	50	5,000	5,000	20	5	*	*	*	50
S-82*	50	7,500	7,500	20	5	*	*	*	50
S-90	50	10,000	10,000	40 <sup>①</sup>	10	20	*	30	30
S-91	50	10,000	10,000	20	10	20	*	28	30
S-92*	50	10,000	10,000	20	10	*	*	*	50
S-100	75	20,000	20,000	40	10 <sup>②</sup>	20	-	30	25
S-101	75	20,000	20,000	20	10	20	-	28	25
S-102	75	20,000	20,000	20	10	20	-	30	25
SS-104	*	*	*	*	8	20	2.5	35	*
RH*	50	*	*	20	20 <sup>③</sup>	20	-	28 <sup>③</sup>	25
RM	*	*	*	50	20	20	3	36	-
RM-CZ	*	*	*	50	20	20	3	36	-
PAD	*	*	*	30/50 <sup>④</sup>	20	20	3	36	-

Maximum coverage limitations shall apply to all structures except structures in C, H, M or P districts in which there are no dwelling facilities.

\*See planner for additional requirements including possible floor area ratio (FAR), daylight plane and design review.

\*\* Side yard setbacks on corner lots shall be 50% of the required front yard setback in the respective district.

① 40 feet on corner lots - refer to zoning maps

② combined total - both sides, 7.5 feet minimum on any one side

③ from natural grade

④ agricultural/non-agricultural development

⑤ combined total - both sides, 5 feet minimum on any one side

⑥ 40 feet on Bay/Ringwood Roads

# **Section 6300, Land Use Districts Index and Development Standards**

**Districts established by Section 6110  
are as follows:**

A-1	Agricultural District
AO	Airport Overlay District
C-1	Neighborhood Business District
C-2	General Commercial District
CCR	Coastside Commercial Recreation District
COSC	Community Open Space Conservation District
H-1	Limited Highway Frontage District
M-1	Light Industrial District
M-2	Heavy Industrial District
O	Office District
P	Parking District
PAD	Planned Agricultural District
PUD	Planned Unit Development District
R-1	One-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
R-3-A	Affordable Housing District
R-E	Residential Estates District
RH	Residential Hillside District
RM	Resource Management District
RM-CZ	Resource Management-Coastal Zone District
TPZ	Timberland Preserve District
TPZ-CZ	Timberland Preserve-Coastal Zone District
W	

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County Government Center • 590 Hamilton Street • Redwood City, California 94063

(415) 363-4161 • FAX (415) 363-4849

Coastal Act:

### **Section 30231 Biological productivity; water quality**

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water-flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. (Emphasis mine.)*

### **Section 30108 Feasible**

*"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors*

### **Water on Our Property**

The San Gregorio Rural Service Center is served by a well on Parcel #1. This is a good, long standing well that has served our store since 1889 and our home since 1928. The well has been monitored closely by the County and State. Most existing development in our area takes place close to the San Gregorio Creek on land with water rights to and wells adjacent to San Gregorio Creek. Parcels which do not have water rights to the creek or a well that benefits from creek underflow have difficulty finding and maintaining a potable water supply and must use water sparingly.

We are willing to allow the well on Parcel #4 to be used for serving farm labor housing and/or the limited residential use we have proposed. ("Limited" = restricted size and location of residence). We originally drilled the well on Proposed Parcel #4 as an agricultural well because we were pursuing legalizing the barn as farm labor housing.

We are not willing to have either of our wells used for feasible commercial agriculture. For 123 years our well has met the needs of a rural service center providing toilets, hand washing, drinking water, food preparation.

The use of our exiting water for commercial agriculture threatens the quality and quantity of water that is needed to serve our rural service center.

We now propose converting the well on Parcel #4 to a domestic well. We have not yet written the water sharing agreement for use of the well, but are considering specifically restricting the water use to domestic use only.

George Cattermole

**Dreher, Nicholas@Coastal**

Th/2a

**From:** George Cattermole <georgecattermole@earthlink.net>  
**Sent:** Tuesday, December 11, 2012 8:40 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Cattermole project

Dear Coastal Commission staff:

We are not asking for the moon here. If the County had not designated about 6 acres of our property as "Agriculture" in violation of LCP 5.2, they could have designated it as Table 1.2, line (1) residential in the rural area. This would have given us the right to build one residence for every .2 acres. Since we are talking about 6 acres, this would equate to one residence. That is all we are asking for, the right to build one residence on that 6 acres.

George Cattermole

Th 12a

**Dreher, Nicholas@Coastal**

---

**From:** Lynn Ross <lthinkgreen@gmail.com>  
**Sent:** Friday, December 07, 2012 4:58 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Support for Denial of Cattermole subdivision: CCC file A-2-SMC-11-32

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Honorable Commissioners:

Thank you for your thoughtful consideration of the Cattermole proposed subdivision in San Gregorio.

I support the California Coastal Commission Staff recommendation to deny the project.

I support the reasons described in the staff report.

My additional concerns are:

The illegal residences that they have added by installing illegal septic and water systems, including the historic "blacksmith shop" within yards of the Cattermoles' residence.

On the tentative map they submitted to SMC the shop was described as a "shop" ---- yet they have changed it as recently as the 1990s and very currently to a residence.

Is it legal to change a building from commercial use to residential use within the rural Service Center and how does their illegal water and septic system they installed affect the proposed subdivision and the environment?

Attached - faxed to Mr. Dreher- is a photo of the commercial shop that never served as a home.

Thank you. As a 5th generation resident of San Gregorio, its protection is in your hands, but the residents hope the town is protected with all its it's visual beauty.

Sincerely,

Lynn Ross  
PO Bon 26 San Gregorio 94074  
650 747 0004  
Sent from my iPhone

(1) Over Page / FAX

Re: Cattermole  
Subdivision  
CCC File # A-2-  
SMC-11-32  
Recommendation  
to Deny the  
Subdivision

Nick Decher  
California Coastal Comm.  
Fremont St.  
San Francisco

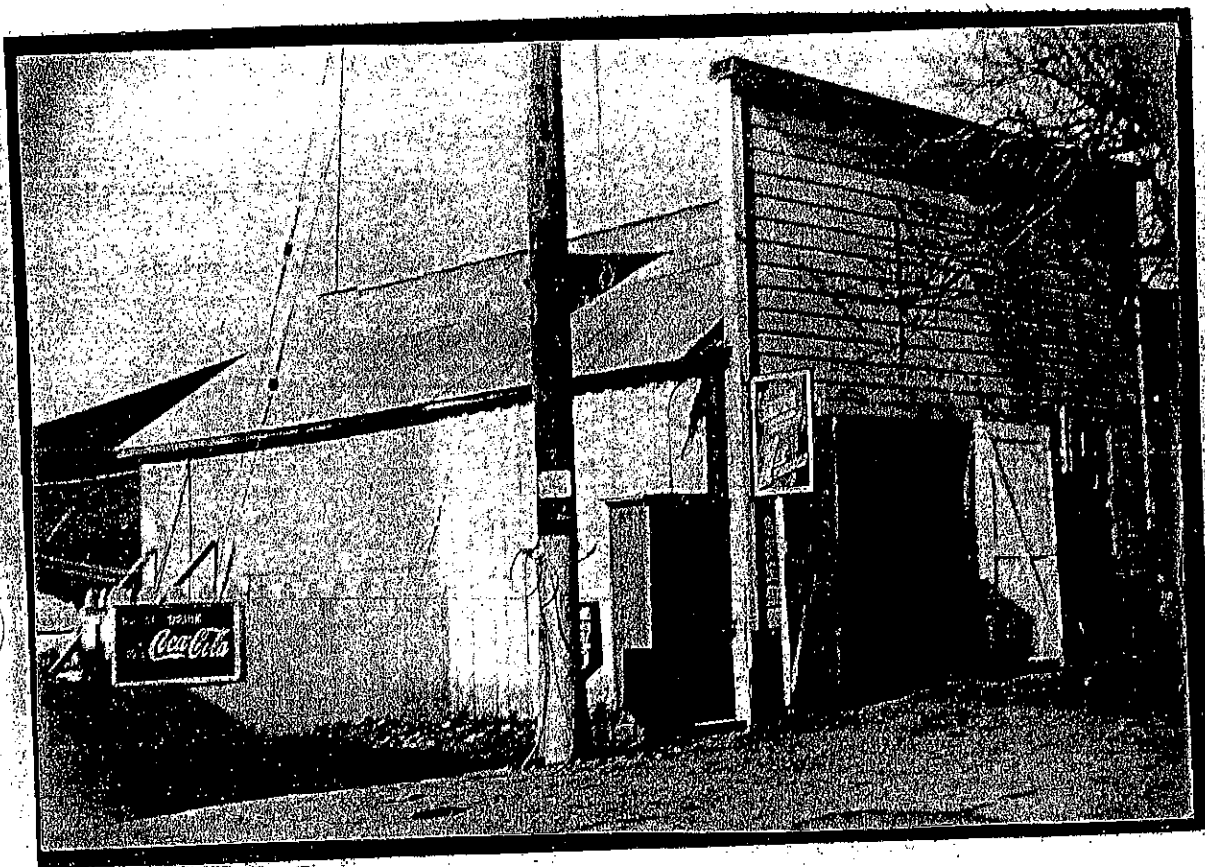
FAX # (415) 904-5400

Dear Nick:  
This photo relates to my support of denial.  
This is a photo from the  
SMC Historical Society which  
shows that the Blacksmith Shop  
was a commercial building of  
the Rural Service Center of  
San Gregorio. This photo  
accompanies my letter I am  
e-mailing you regarding the  
water/septic installed by the  
Cattermole to change it to a residence.  
Sincerely, Lynn Ross  
650.747.0004

From: Lynn Ross  
650. 747.0004

To: Nick Dreher  
Calif. Coastal Comm.

(2)



(second)  
Former Levy Bros. store, now a blacksmith shop.

→ Lynn Ross recommends denial of the Cattermole subdivision. Is it legal to "grandfather" this shop (as seen above) to a residence — although the Cattermoles turned it into a residence only recently + how does that affect water + septic?

Dreher, Nicholas@Coastal

Th/2a

**From:** Deirdre Conley <dd242a@gmail.com>  
**Sent:** Thursday, December 06, 2012 11:29 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Letter re A-2-SMC-11-032  
**Attachments:** Letter re Cattermole A-2-SMC-11-032.docx

Dear Mr. Dreher:

Attached is my letter concerning California Coastal Commission appeal scheduled to be heard on Dec 13, 2012 : A-2-SMC-11-032.

I support the staff recommendation to deny the Cattermole development proposal.

Unfortunately I cannot be at the Commission meeting on the 13th because I will be traveling. I have written the attached letter in the hopes that it can be considered as part of the record. I will send the letter by regular mail as well.

Thank you,  
Deirdre L. Conley  
29 Capay Circle  
South San Francisco, CA 94080  
email: [dd242a@gmail.com](mailto:dd242a@gmail.com)

By Mail and Email

December 6, 2012

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

**Subject:** December 12-13 Hearing **Appeal No. A-2-SMC-11-032**

Honorable Commissioners:

**I support the Commission staff recommendation to deny the Cattermole proposed development.**

I have been a San Mateo County resident for 57 years. I believe the Commission staff analysis was very thorough and accurate. Their recommendation to deny the proposed development is correct in view of the purpose and guidelines of the California Coastal Commission to protect and conserve irreplaceable California coastal areas. This San Gregorio property is a unique, historical, scenic and environmentally sensitive area. Exceptions to the rules should not be made to allow the Cattermole proposed development to go forward. I respectfully urge you to uphold the staff recommendation to deny.

Sincerely,



Deirdre L. Conley  
29 Capay Circle  
South San Francisco, CA 94080

Th 12a

**Dreher, Nicholas@Coastal**

---

**From:** Nirmala Dillman <ndillman@smcoe.k12.ca.us>  
**Sent:** Thursday, December 06, 2012 5:43 PM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Letter re A-2-SMC-11-032  
**Attachments:** Ltr\_Dillman\_re A-2-SMC-11-032.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Dreher:

Attached is my letter concerning California Coastal Commission appeal scheduled to be heard on Dec 13, 2012 : A-2-SMC-11-032.

I support the staff recommendation to deny the Cattermole development proposal.

Unfortunately I cannot be at the Commission meeting on the 13th because of a required work meeting in Sacramento on that day. I have written the attached letter in the hopes that it can be considered as part of the record. I will put it in the mail as well.

Thank you,  
Sheila Dillman

--  
Sheila Moore Dillman

ndillman@smcoe.k12.ca.us  
Work Tel (650) 802-5443  
FAX (650) 802-5322  
Cell (650) 678-6294

By Mail and Email

December 5, 2012

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219


**Subject:** December 12-13 Hearing **Appeal No. A-2-SMC-11-032**

Honorable Commissioners:

**I support the Commission staff recommendation to deny the Cattermole proposed development**

I was a San Mateo County Coastsides resident for 25 years before moving to San Francisco and I continue to work full time in San Mateo County. I believe the Commission staff analysis was very thorough and accurate. Their recommendation to deny the proposed development is correct in view of the purpose and guidelines of the California Coastal Commission to protect and conserve irreplaceable California coastal areas. This San Gregorio property is a unique, historical, scenic and environmentally sensitive area. Exceptions to the rules should not be made to allow this type of development to go forward. I respectfully urge you to uphold the staff recommendation to deny.

Sincerely,



Sheila Moore Dillman  
3971 26<sup>th</sup> St.  
San Francisco, CA 94131

Dreher, Nicholas@Coastal

Th/2a

**From:** Gary Weinberg <gntango@mindspring.com>  
**Sent:** Friday, December 07, 2012 10:19 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Appeal A-2-SMC-11-032 being heard on Dec 13, 2012  
**Attachments:** CCC ltr -Weinberg.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Dreher,

I have written a letter in support of the Commission staff recommendation to rule against the property development proposal for the Cattermole property in San Gregorio. My letter is attached. I am also mailing the signed original.

Sincerely,

Gary L. Weinberg  
1029 Carolina St.  
San Francisco, CA 94107

December 6, 2012

CA Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

**Re: Appeal A-2 SMC 11-032 (Cattermole) – Support Staff  
Recommendation to Deny**

Dear Commission Members:

I am writing to express my support for the Commission staff recommendation to deny the Cattermole property development proposal, at least in its present form. It does not comply with the Coastal Commission's guidelines for appropriate development projects for our Coast and should not be permitted to go forward. I am well acquainted with the location and the issues involved as a long time visitor to San Mateo County's South Coast.

Sincerely,

Gary L. Weinberg  
1029 Carolina St  
San Francisco, CA 94107

**Dreher, Nicholas@Coastal**

Th/29

**From:** Dana O'Neill <dlondoc@yahoo.com>  
**Sent:** Friday, December 07, 2012 10:27 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Hearing 12-13-12, CCC Staff Report File #A-2-SMC-11-32 Cattermole Modified Application

Dear California Coastal Commission Members,

This email is in support of the CCC Staff Report for the Cattermole A-2-SMC-11-32 modified application. We support the proposed Parcels 3 & 4 as agricultural lands designated as PAD per LCP Policies 5.8 and 5.10. This ensures the preservation and protection of agricultural lands in the rural hamlet of San Gregorio.

We also support the Farm Link and San Mateo County's Agricultural Advisory Committee's recommendations for the protection of agricultural land for agricultural purposes.

We respectfully support the Cattermole's modified application for the proposed Parcels 3 & 4 as agricultural lands and are grateful to them for their reconsideration. We also support their environmental and sustainable housing proposal for Parcel 1, on land which has previously had various residential/commercial uses.

Cordially,  
Dana O'Neill and Doc Jepsen  
San Gregorio Residents (across from proposed Parcel #4)

Hard copy sent in US Mail

**Dreher, Nicholas@Coastal**

Th 12a

**From:** greywolf@batnet.com  
**Sent:** Friday, December 07, 2012 10:28 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Two Attached Comments from Appellants McKenna/Rhodes (A-2-SMC-11-032)  
**Attachments:** A-2-SMC-11-032 appeal letter Rhodes.doc; CCC Catermole letter 12-13-12.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Nick,

Thanks for today's updated info re: emailed comments (please disregard my voice message form this morning).

Please find attached two statements from Shauna and myself.

Thanks for all your work on this!

David Rhodes

CA Coastal Commission  
~~45 Fremont Street, Suite 2000~~  
San Francisco, CA 94105-2219

December 7, 2012

A Statement from Appellant David Rhodes regarding Appeal No. A-2-SMC-11-032 (Cattermole Development)

Commissioners,

I am sorry that I will not be there for the hearing next Thursday so I appreciate the chance to be able to submit these comments ahead of time.

I support denial of Cattermole subdivision and the negative change that approval would precipitate on water, septic and drainage conditions in San Gregorio. In addition, harmful impact on visual resources would become apparent and this is counter to the LCP.

Since the LCP does not allow the conversion of an agricultural well to residential, the plans do not conform to LCP policy. I concur with the notion of small-scale agriculture use for the Western parcel and would consider the Farm Link suggestion a viable economic alternative for future consideration.

Thank you and your staff for this work and deliberation.

David Rhodes

December 7, 2012

Subject: **Support for denial of Cattermole subdivision and overdevelopment of San Gregorio**  
CCC file # A-2-SMC-11-32

Dear Honorable Commissioners,

**I support the staff recommendation to deny the Cattermole's extensive request to change the nature of San Gregorio.** There are numerous reasons to deny the project that are covered in the staff report. The **Cattermole's have extensively used their property over the years** with adverse impacts to the surrounding properties in the area including **over burdening their septic systems that have leached onto adjacent properties from their numerous buildings including illegal units.** Also the **commercial use has created traffic and parking congestion** that should be accommodated on site and not disturb and interrupt the existing neighbors in the San Gregorio community.

Listed below are my additional concerns with this project:

1. The **Cattermole's already have subdivided once in 1981**, their remaining property can't support another subdivision per the LCP rules or due to water, septic and drainage issues.
2. The proposed commercial parcel 2 for the store is too small and does not allow for the required off street parking. **Off street parking for the existing commercial uses should occur** in the location the proposed additional residences on the **only non-prime soils on their land.**
3. The LCP policy 5.22 **does not allow creation of a new Planned Agricultural parcel** that does not have an **adequate water source on each individual parcel.**
4. The **former "dairy barn" building was illegally converted to 3 living units approximately 25 years ago** and the Cattermole's have **enjoyed the rental income for those illegal units for decades.** This illegal residential use without approved septic and water needs to be abated.
5. In the staff report described Parcel 4 as a "commercial lot" however the Cattermole Tentative map appears to show the **future use as residential development, not commercial use since no off street parking area is shown** on that parcel as required by the zoning.
6. **If any new buildings or uses are approved** on the Cattermole property additional **hydrology reports, biological reports and drainage studies are required** to ensure that they will not adversely impact the surrounding neighbors so we can maintain the quality of our environment.

**Approval of this project would change and harm San Gregorio forever.**

Currently there are multiple uses and buildings on the property that are not supported by the existing water sources and septic systems. Why create additional strain and trauma on this and other parcels?

**Please deny this ill-conceived, avaricious project.**

Sincerely,

Shauna McKenna

P. O. Box 683, Half Moon Bay, CA 94019

**Dreher, Nicholas@Coastal**

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**From:** greywolf@batnet.com  
**Sent:** Friday, December 07, 2012 11:11 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Attached photos RE: A-2-SMC-11-032 Cattermole appeal  
**Attachments:** CIMG2203.jpg; CIMG2263.jpg; CIMG2276.jpg; IMG\_0245.JPG

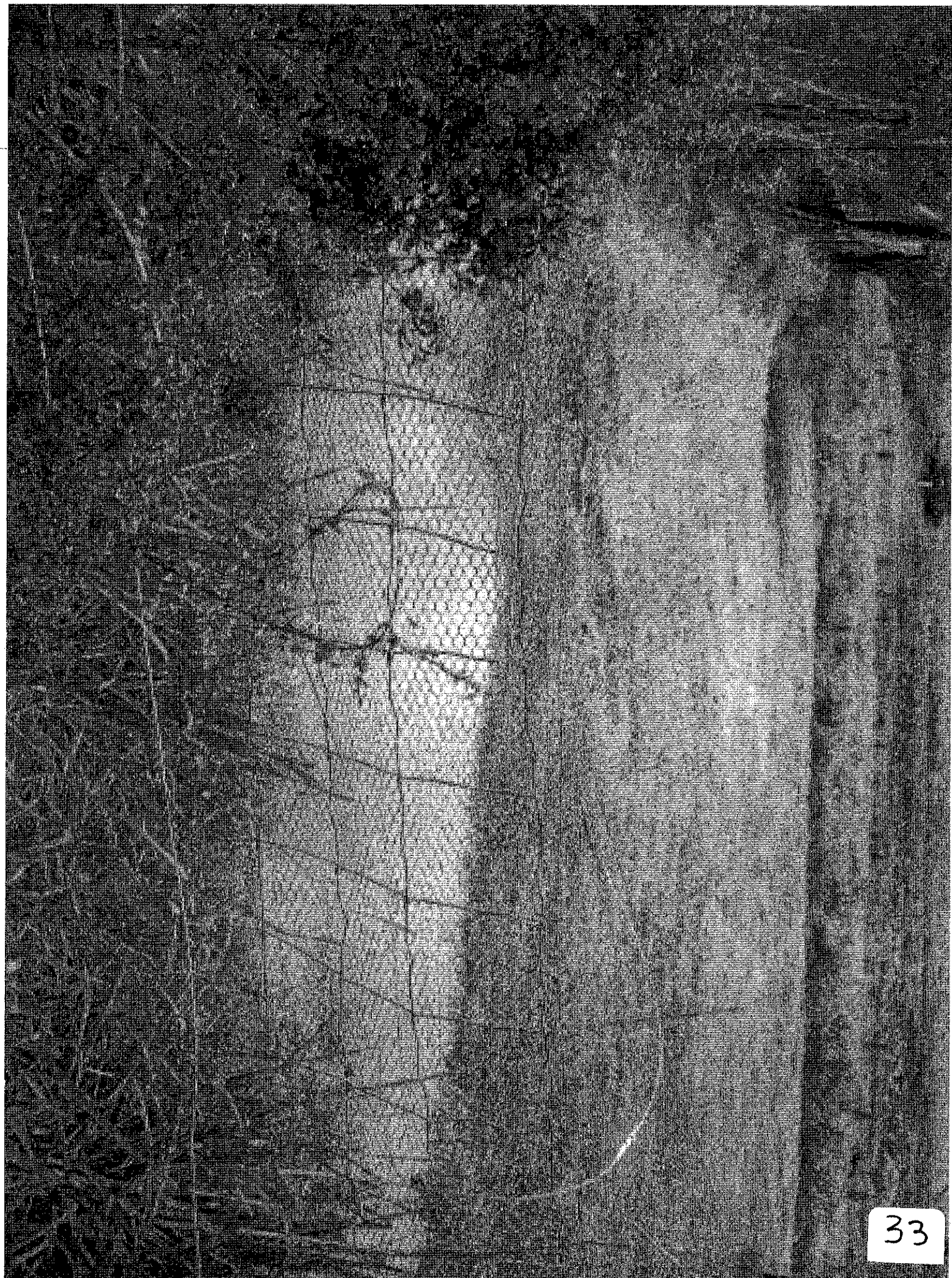
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

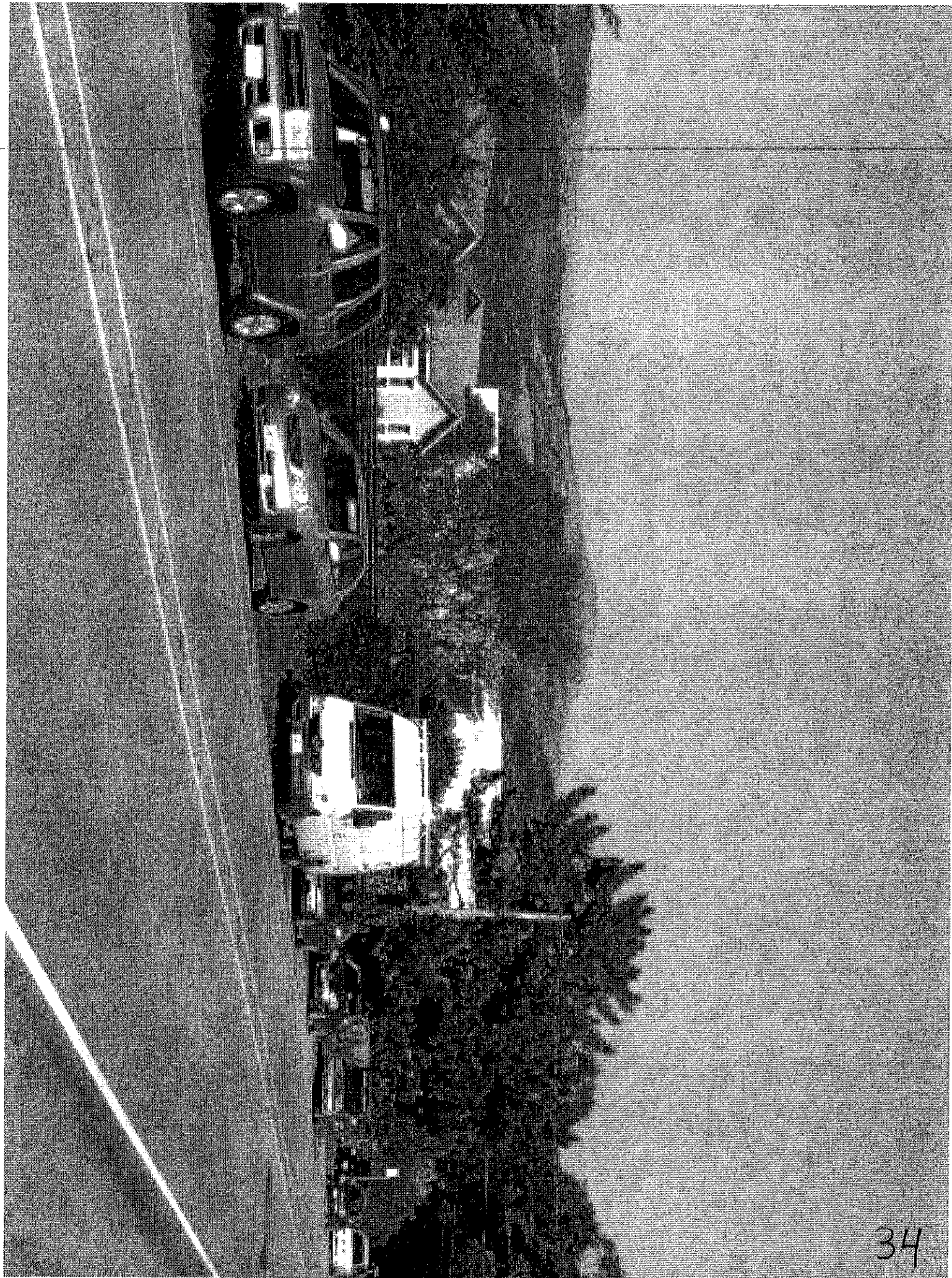
Nick,

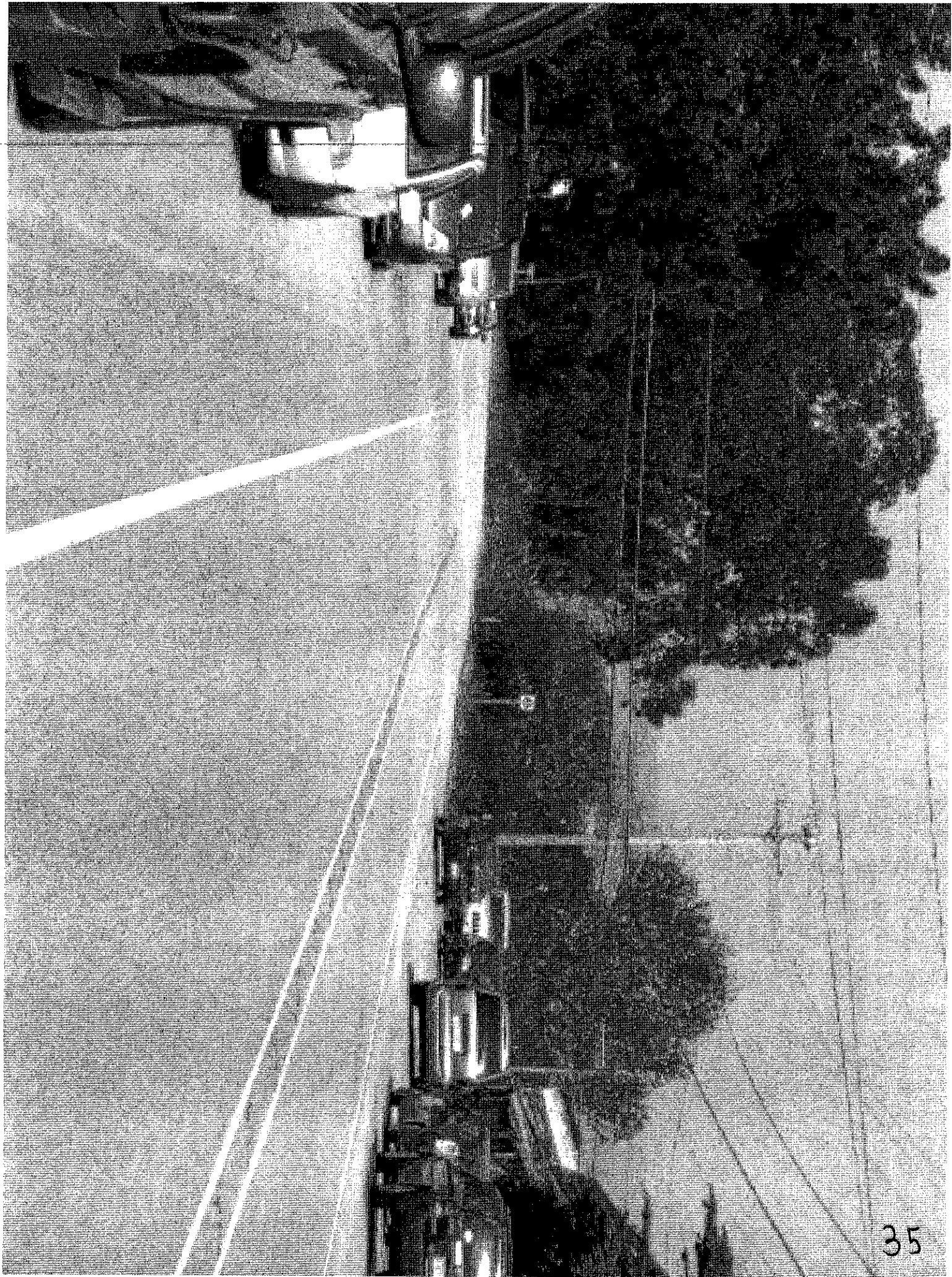
Please find attached photos that help show some of our concerns regarding our appeal.

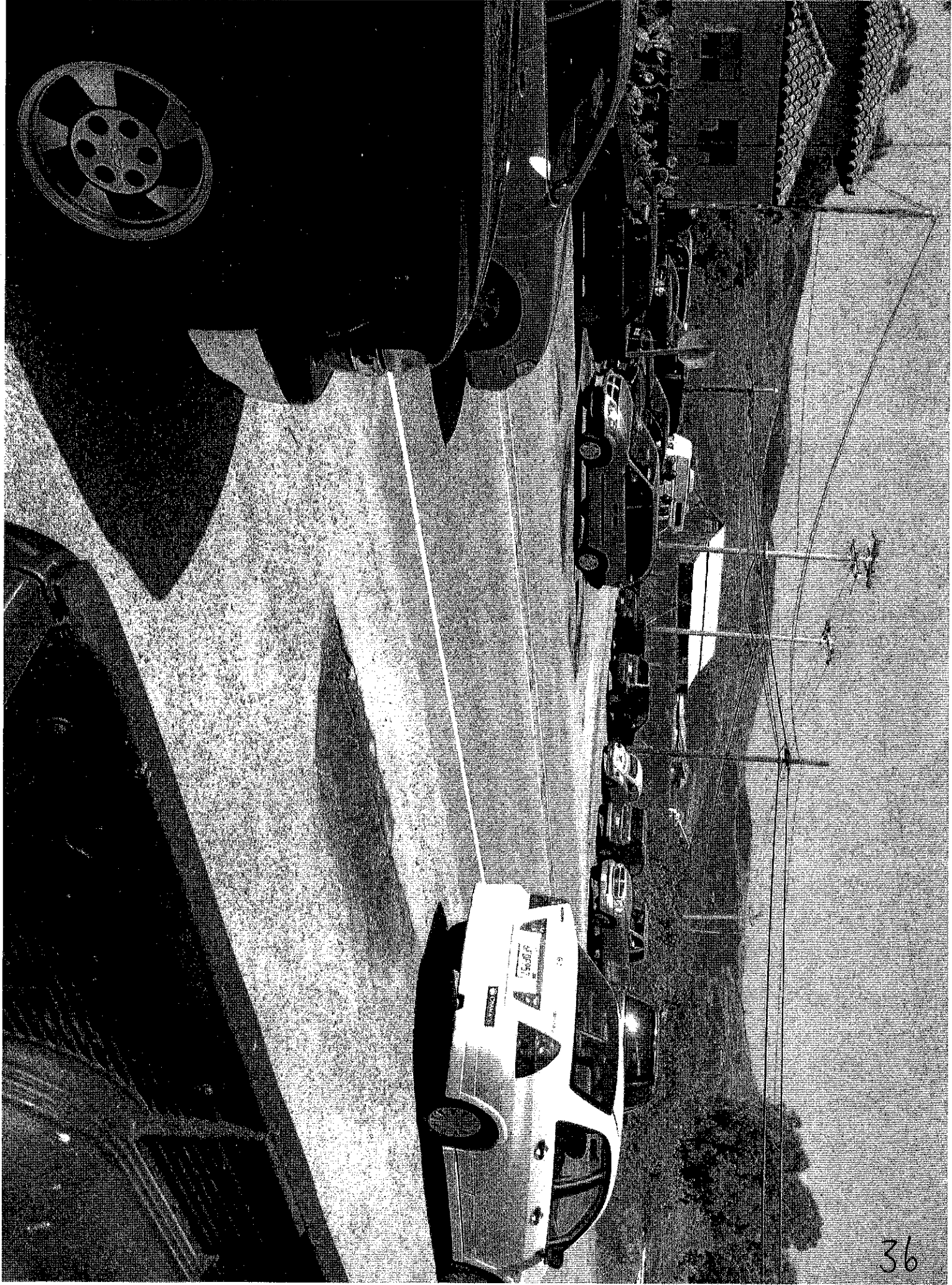
The first photo shows standing water from last Spring's (May 2012) heavy rain in the Rhodes/McKenna backyard.

The other three photos show the parking situation around the commercial area that occurs on some weekends.









Th/2a

**Dreher, Nicholas@Coastal**

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**From:** Kathleen Armstrong <kathleenaarmstrong@hotmail.com>  
**Sent:** Friday, December 07, 2012 8:49 AM  
**To:** Dreher, Nicholas@Coastal  
**Subject:** Letter on behalf of Appeal #A-2-SMC-11-032  
**Attachments:** CoastalCommissionLetterScan\_12.60001.bmp

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Nicholas:

Attached please find my letter to be submitted at the upcoming hearing for Appeal#A-2-SMC-11-032. This is a signed copy. Please advise if I need to have a postmarked hardcopy sent to your offices today and I will mail it timely.

Thank you very much.

Sincerely,

Mrs. Thomas H. (Kathleen)Armstrong, III  
PO Box 44  
San Gregorio, CA 95338  
209/966-6559

December 6, 2012

Mr. Nick Dreher, Coastal Program Analyst II

California Coastal Commission

45 Fremont Street

Suite 2000

San Francisco, CA 94105

*RE: Cattermole Development Project- San Gregorio, CA Appeal #A-2-SMC-11-032*

Dear Mr. Dreher and Members of the Coastal Commission Board:

For the past few years, the rural character of San Gregorio has been the subject of scrutiny and debate over a proposed subdivision in what residents understood to be both a rural service area and dedicated prime agricultural lands. The development of the property owned by George and Mary Cattermole immediately adjacent to the San Gregorio store, much of which is zoned prime agricultural land and designated in part as a "rural service area", is a critical issue in the future of the community of San Gregorio. It is for this reason, that I support the appeal filed by Shauna McKenna and David Rhodes and feel obligated to underscore certain conditions which I believe are urgently important in regards to this project.

1. Portions of the subject property is properly zoned PAD and has never been contested by the owners until this proposed development.
2. A portion of the subject property is a rural service area and has never been contested by the owners until this proposed development.
3. Owners have acknowledged the agricultural value of their land in participating in the Williamson Act for the duration of their ownership.
4. The proposed subdivision does not comply with San Mateo County's LCP Policy 1.12a and LCP Policy 5.22
5. There is neither adequate water source or county infrastructure to support the addition of 4 residences to this parcel. It is questionable that there is sufficient water to support 1 residence. Substandard water has been an issue for patrons of the existing commercial operation, "The San Gregorio Store" and was a serious, undisclosed issue after the sale of the single family residence which was sold to Ms. McKenna and Mr. Rhodes. Therefore, important details with regards to potable water and supply should be addressed before approving any single family residential development.
6. The owners have shown blatant disregard of County law by offering numerous non-conforming, illegal, and non-permitted habitations for over 20 years( in some instances posing health and

safety issues for the tenants of these structures). There is supporting documentation and photos submitted at one point during this process by the appellants.

7. The history of prior use on the parcels indicates productive agricultural concerns which could be conducted again in compliance with the zoning. In so much as agriculture may not represent the greatest return as opposed to the construction and sale of 4 residences, the developers have attempted to imply that agricultural is simply not viable at this location. This is a deception as there are many agricultural operations located adjacent to and very close to these parcels.

It is my hope (as is a majority of residents in the San Gregorio Valley and neighboring communities) that the highest and best use for this property as a rural service area and local resource as an agriculturally zoned property continue, if at all possible, to preserve the culture, character, and rurally compatible potential that it represents rather than become an "estate subdivision".

Farmland on the San Mateo Coast is a priceless commodity and once developed it is negligible that we shall see its return in many generations, if at all. San Gregorio is a precious cultural resource with an obvious historical corridor adjacent to Hwy 84 and leading to Hwy 1 which could be preserved in the future to include the "rural service area".

My husband's family has farmed in this valley since 1892. We have seen the loss of local agriculture to both well-intentioned private land trusts as well as to real estate developers. While change is inevitable, the unopposed residential development of these last agricultural lands is simply incompatible with our nature and heritage. If, for instance, the possibility of a fire station in the rural service area existed, it would gladly go unchallenged as it represents support for the community as a whole and the transient tourist needs that actually exist here.

It is my greatest hope that you will consider my statement as you make your decision and uphold the Staff recommendation. The communication and effort of your staff has been invaluable and most greatly appreciated.

Most sincerely,

Signature on file

Mrs. Thomas H. (Kathleen) Armstrong, III

PO Box 44

San Gregorio, CA 94074