



Planning & Building Department Planning Commission

Laurie Simonson, 1st District
Frederick Hansson, 2nd District
Chris Ranken, 3rd District
Gail Slocum, 4th District
Steve Dworetzky, 5th District

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

Action Minutes

MEETING NO. 1571

Wednesday, December 11, 2013

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

Chair Ranken called the meeting to order at 9:07 a.m.

1. **Pledge of Allegiance:** The Pledge of Allegiance was led by Chair Ranken.
2. **Roll Call:** Commissioners Present: Dworetzky, Hansson, Ranken, Simonson, Slocum
Commissioners Absent: None
Staff Present: Eggemeyer, Fox, Shu

Legal notice published in the San Mateo County Times on November 30, 2013 and in the Half Moon Bay Review on December 4, 2013.

3. **Oral Communications** to allow the public to address the Commission on any matter not on the agenda.
None.
4. **Consideration of the Minutes** of the Planning Commission meeting of November 20, 2013.

Commissioner Simonson moved, and Commissioner Hansson seconded, that the minutes be approved as submitted. Motion carried 5-0-0-0.

REGULAR AGENDA 9:00 a.m.

5. **Applicant:** **Shahram Zomorodi**
File No.: PLN2013-00221
Location: Various, throughout the Bayside
Assessor's Parcel Nos.: Various, throughout the Bayside

Consideration of an amendment to the Subdivision Ordinance, Section 7020.2.c, and certification of a Negative Declaration, to modify the lot dimension requirements by eliminating the minimum and maximum lot depth standards in areas outside of the Coastal Zone. Application filed June 4, 2013. PROJECT PLANNER: Steven Rosen. Telephone: 650/363-1814 or Email: srosen@smcgov.org

SPEAKERS:

1. J.R. Rodine
2. Lennie Roberts

COMMISSION ACTION:

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

Commissioner Dworetzky moved to continue the item to the meeting scheduled for February 12, 2014 to allow time for additional noticing and information requests. Commissioner Hansson seconded the motion. **Motion carried 5-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission continued the request until February 12, 2014 in order to allow time for additional public noticing.

- | | |
|-------------------------|--|
| 6. Owners: | San Francisco Water Department, County of San Mateo, Jefferson Elementary School District |
| Applicant: | San Francisco Public Utilities Commission |
| File No.: | PLN2013-00179 |
| Location: | Jefferson Elementary School and South Park Plaza Drive in unincorporated Broadmoor |
| Assessor's Parcel Nos.: | 006-111-460, 093-242-010, Public Right-of-Way to the rear of 006-141-090 |

Consideration of a request by the San Francisco Public Utilities Commission (SFPUC), pursuant to Government Code Section 65402(b), that the County determine whether a part of SFPUC's Regional Groundwater Storage and Recovery Project, which is a component of SFPUC's Water System Improvement Program, conforms to the County General Plan. Application filed May 10, 2013. PROJECT PLANNER: Steven Rosen. Telephone: 650/363-1814 or Email: srosen@smcgov.org

COMMISSION ACTION:

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

Commissioner Dworetzky moved that the proposed Regional Groundwater Storage and Recovery Project conforms to the County General Plan. Commissioner Slocum seconded the motion. **Motion carried 5-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission found that the proposed Regional Groundwater Storage and Recovery Project conforms to the County General Plan.

FINDINGS:

The Planning Commission found that:

1. The proposed Regional Groundwater Storage and Recovery Project conforms to the County General Plan overall. Specifically, the proposed project conforms to the Vegetative, Water, Fish and Wildlife Resources, Visual Quality, Soil Resources, Cultural Resources, Water Supply, Wastewater, Solid Waste, Natural and Man-Made Hazards, Air Quality, and Climate Change Policies of the General Plan, but does not conform to Water Supply Policy 10.7: the provision of water supplies in park and recreation areas. However, lack of complete compliance with all policies of the General Plan is outweighed by the need to provide additional water storage to protect the people of San Mateo County against drought and disaster affecting the Hetch Hetchy aqueduct.
2. The project helps achieve the objective of providing continuous water service to San Mateo County and providing emergency water supplies, promoting Policy 10.14 of the General Plan.
3. Alternatives 3A and 3B would best conform to all of the Policies of the San Mateo County General Plan in that these alternatives would conform to Water Supply Policy 10.7 by reducing the project's impact on groundwater supplies for golf courses, while still complying with the Vegetative, Water, Fish and Wildlife Resources, Visual Quality, Soil Resources, Cultural Resources, Water Supply, Wastewater, Solid Waste, Natural and Man-Made Hazards, Air Quality, and Climate Change Policies of the General Plan.

- | | |
|----|--|
| 7. | <p>Owners: Republic Services/Bob Lemos
 Applicant: Questa Engineering/Syd Temple
 File No.: PLN2013-00109
 Location: 12320 Highway 92, Half Moon Bay
 Assessor's Parcel Nos.: 056-360-040, 056-360-330</p> |
|----|--|

Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, and a Grading Permit, pursuant to Section 8600 of the County Ordinance Code, and certification of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, to permit the stabilization and restoration of an approximately 1,700 linear foot section of Corinda de los Trancos Creek in the unincorporated Half Moon Bay area of San Mateo County. This project is appealable to the California Coastal Commission. This item is continued from the September 25, 2013 meeting. Application filed April 1, 2013. SENIOR PLANNER: Mike Schaller. Telephone: 650/363-1849 or Email: mschaller@smcgov.org

SPEAKERS:

1. Syd Temple

COMMISSION ACTION:

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

Commissioner Simonson moved to approve the project. Commissioner Hansson seconded the motion. **Motion carried 5-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the request, making the findings and adopting conditions of approval as follows:

FINDINGS:Regarding the Mitigated Negative Declaration, Found:

1. That the Mitigated Negative Declaration is complete, correct, and adequate and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, that there is no substantial evidence that the project is subject to the mitigation measures contained in the Negative Declaration will have a significant effect on the environment.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
4. That the mitigation measures in the Mitigated Negative Declaration and agreed to by the owner and placed as conditions on the project have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit, Found:

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as discussed in the September 25, 2013 staff report under Section B.2, including protection of biological resources and regulation of development in floodplains.
6. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program. Specifically, the proposed project has a fish and wildlife management component and is also a flood control project. Both types of projects are allowed uses within a riparian corridor. The proposed project will protect both downstream fish habitat and the access road to the landfill by stabilizing the creek channel.

Regarding the Grading Permit, Found:

7. That the project will not have a significant adverse effect on the environment. Staff performed an Initial Study, pursuant to California Environmental Quality Act (CEQA) regulations, and determined that the project, if undertaken with appropriate mitigation measures, would not have a significant adverse impact on the environment. The Negative Declaration's mitigation measures have been incorporated into the recommended conditions of approval to ensure that the project will have no adverse impacts to the environment.
8. That the project conforms to the criteria of the San Mateo County Grading Ordinance and is consistent with the General Plan. The project has been reviewed against the applicable policies of the San Mateo County General Plan and found, as proposed and conditioned, to be consistent with its goals and objectives, specifically with regards to Biotic, Soil and Visual Resources, as well as Hazard Mitigation Policies. The project, as proposed and conditioned, conforms to standards in the Grading Ordinance, including those relative to an erosion and sediment control plan, dust control plan, and the timing of grading activity.

CONDITIONS OF APPROVAL:Current Planning Section

General Conditions

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on December 11, 2013. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
2. These permits shall be valid for two (2) years from the date of approval in which time a building permit shall be issued. Any extension of the permits shall require submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. The Department of Fish and Game has determined that this project is not exempt from Department of Fish and Game California Environmental Quality Act filing fees per Fish and Game Section 711.4. The applicant shall pay to the San Mateo County Clerk/Recorder's Office an amount of \$2,156.25 (plus the \$50 administrative fee) at the time of filing of the Notice of Determination by the County Planning and Building Department staff within ten (10) business days of the approval.
4. Prior to the issuance of the grading permit, the applicant shall submit copies of the approved Section 404 permit from the Army Corps and the Streambed Alteration Agreement from the Department of Fish & Wildlife. The applicant shall also submit a copy of an approved General Permit for Storm Water Discharges from the Regional Water Quality Control Board, or waiver from said Permit, prior to the issuance of the grading permit.

Mitigation Measures

5. **Mitigation Measure 1:** The applicant shall implement the proposed re-vegetation plan as depicted in the project plans immediately upon completion of grading activities.
6. **Mitigation Measure 2:** To ensure that re-vegetation efforts are successful, the applicant shall implement a five year monitoring program for those areas affected by the project. Woody plant survivorship and canopy cover progress will be measured using either the line-intercept methodology or direct counting of healthy, live plantings in a representative segment of the restoration area. Natural recruitment of native woody trees and shrubs will be recorded and included in the estimates. Tree and shrub density will be calculated using the as-built acreage of planting areas. A comprehensive species list will be recorded for the monitoring area to document species richness and relative cover by native and non-native plant species. Photographs representative of the overall progress of riparian establishment will be taken in each year to provide visual documentation of vegetation establishment. By the fifth growing season following planting, the total number of planted and naturally recruited native trees and shrubs in the re-vegetation areas shall be equal to at least 60 percent of the number of trees and shrubs originally planted. All planted and recruited trees and shrubs counted must be alive and in good health. If by the fifth year the 60 percent target has not been met, then the applicant shall replant as necessary and monitor for an additional five years. The applicant shall submit annual monitoring reports to the County Planning Department outlining the progress of re-vegetation efforts.
7. **Mitigation Measure 3:** The County shall require construction contractors to implement the following BAAQMD's Basic Construction Mitigation Measures, listed below:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material into or off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the County regarding the project. The County shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
8. **Mitigation Measure 4:** The applicant shall submit the names and credentials of biologists proposed to perform preconstruction surveys and monitoring to the United States Fish and Wildlife Service (USFWS) for written approval at least 15 days prior to commencement of any activities.
 9. **Mitigation Measure 5:** Each construction area will be surrounded by snake exclusionary fencing one week prior to the start of construction.
 10. **Mitigation Measure 6:** A USFWS-approved biologist will survey the work areas no less than 5 days prior to the onset of activities and after the snake exclusion fence has been installed. If California red-legged frogs, tadpoles, or eggs are found, the approved biologist will contact the USFWS to determine if moving any of these life-stages is appropriate. In making this determination the USFWS shall consider if an appropriate relocation site exists. If the Service approves moving animals, the approved biologist shall be allowed sufficient time to move California red-legged frogs from the work areas before work activities begin. Only USFWS-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frogs. If a California red-legged frog is found nearby, but outside a proposed work area, it will not be disturbed and USFWS will be notified. The biologist will also report any observations of other listed species addressed in this biological assessment.
 11. **Mitigation Measure 7:** Before any construction activities begin on the project, a USFWS-approved biologist will conduct a training session for all construction personnel. The training will include a description of the listed species with potential to occur, their habitat, and the general measures that are being implemented to conserve the species as they relate to the project and the boundaries within which the project may be accomplished (i.e., work areas).
 12. **Mitigation Measure 8:** A qualified construction monitor shall be present on-site, as required by regulatory permit conditions, during the initial clearing and grubbing of each work area. All vegetation clearing shall be done by hand and supervised by a qualified biologic monitor.
 13. **Mitigation Measure 9:** During project activities, all trash will be properly contained, removed from the work areas and disposed of regularly. Following construction, all trash and construction debris from work areas will be removed.
 14. **Mitigation Measure 10:** All fueling and maintenance of vehicles and other equipment and staging areas will occur at least 20 meters (66 feet) from any riparian habitat or water body. The applicant shall ensure contamination of habitat does not occur during such operations. Prior to the start of construction, the applicant shall prepare a plan to ensure a prompt and effective response to any

accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

15. **Mitigation Measure 11:** A USFWS-approved biologist will ensure that the spread or introduction of invasive plant species will be avoided to the maximum extent possible. When practical, invasive exotic plants in the project area will be removed.
16. **Mitigation Measure 12:** Project areas that are disturbed will be re-vegetated with an appropriate assemblage of native riparian, wetland and upland vegetation.
17. **Mitigation Measure 13:** Stream contours will be returned to their original condition at the end of project activities, unless consultation with USFWS has determined that it is not beneficial to the species or feasible.
18. **Mitigation Measure 14:** The number of access routes, number and size of staging areas, and the total area of the project will be limited to the minimum necessary to achieve the project goals. Routes and boundaries will be clearly demarcated, and these areas will be outside of riparian areas where feasible. Where impacts occur in staging areas and access routes, restoration will be performed.
19. **Mitigation Measure 15:** Work activities will be completed between August 1 and November 1. Should the proponent or applicant demonstrate a need to conduct activities outside this period, the United States Army Corps of Engineers may authorize such activities after obtaining the Service's approval.
20. **Mitigation Measure 16:** To control erosion during and after project implementation, the applicant shall implement best management practices.
21. **Mitigation Measure 17:** A USFWS-approved biologist will permanently remove, from within the project area, any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes to the maximum extent possible.
22. **Mitigation Measure 18:** Vegetation clearing and other construction work will occur outside the nesting birds season (February 15 to August 1). If work must be initiated during the nesting season, a preconstruction survey for nesting birds will be performed by a qualified biologist. Any active nests will be avoided until all the young have fledged and are independent.
23. **Mitigation Measure 19:** A qualified biologist will monitor the removal and relocation of woodrat houses and placement of refuge structures (e.g., half wine barrels and slash piles) for any woodrat nests located within the access road footprint. If young woodrats are found in any house, all removed material will be replaced and removal of that house will not continue until the young have left the house. Prior to dismantling houses, data will be collected to document the following characteristics of the house: house-building materials, contents of house cavities (particularly stored food and plants), percent and type of ground cover immediately around each house, tree and shrub species surrounding the house, and the house substrate (e.g., ground, tree, etc.). New houses will be established on site for each house removed. New house designs will be constructed of a half wine barrel placed upside down in appropriate microhabitat with materials from the nest chamber of the dismantled house placed inside, and other house materials placed over and around the barrel, including a long tunnel-shaped entrance that leads only into the receptacle.
24. **Mitigation Measure 20:** If surface water is present during construction, the applicant shall implement the following:
 - a. Cofferdams, flow bypass pipes, or diversion dams shall be used to ensure continued flow around the work area.

- b. Adequate sediment and turbidity control measures shall be implemented. One or more fences of filter fabric shall be constructed across stream channels downstream of the lowermost cofferdams to reduce turbidity and sedimentation downstream of the stream construction sites during removal of cofferdams and until water clarity is re-established once stream flow is re-introduced to the stream channel in the work area.
 - c. The presence of surface water, such as in-stream flow or pool habitat, could mean the potential for salmonids to occur in the work area. To relocate salmonids from the work area following installation of a cofferdam or diversion dam/bypass pipes, a fish rescue and relocation effort shall be conducted by qualified biologists utilizing National Marine Fisheries Service prescribed methods for the safe handling of salmonids.
 - d. The applicant shall have a biologist monitor the construction site during placement and removal of cofferdams, channel diversions, and access ramps to ensure that any adverse effects to salmonids are minimized. The biologist shall be on site during all dewatering events to capture, handle, and safely relocate steelhead, if present.
 - e. Consistent with Mitigation Measures 22 and 23, contractors shall have a supply of erosion control materials, and fuel and hydraulic fluid spill containment supplies on-site to facilitate a quick response to unanticipated storm events, or fuel or hydraulic fluid spill emergencies.
 - f. Consistent with Mitigation Measure 22, construction equipment used within the creek channel shall be checked each day prior to work within the creek.
25. **Mitigation Measure 21:** Project materials shall be placed in locations and manners that would not impair surface water flow into or out of any water of the United States. If surface flow is present during construction, dewatering would ensure that near-normal downstream flows are maintained. Fill shall consist of suitable material and placement such that it would not be eroded by future high flows. Following completion of construction, temporary fill shall be removed to upland areas, dredged material shall be returned to its original location, and the affected areas shall be restored to preconstruction elevations. The area upstream and downstream of the project reach shall be monitored annually for a two year period post construction to qualitatively assess channel conditions.
26. **Mitigation Measure 22:** The applicant shall prepare a comprehensive stormwater pollution and erosion control plan for the project. Erosion control measures shall be in place prior to the start of construction activities and remain in place throughout all phases of project construction. The plan must provide a Best Management Practice (BMP) monitoring and maintenance schedule and identify parties responsible for monitoring and maintenance of construction-phase BMPs. Erosion and water quality control measures identified in the plan must comply with the County of San Mateo Department of Public Work's Contract Requirements for Erosion and Sediment Control and Contract Requirements for Water Pollution Control for Construction in Sensitive Areas, and at a minimum include, but not be limited to, the following measures (County of San Mateo 2013a; County of San Mateo, 2013b):
- a. Temporary erosion control measures (such as silt fences, staked straw bales, and temporary re-vegetation) shall be employed for disturbed areas. No disturbed surfaces will be left without erosion control measures in place.
 - b. Sediment shall be retained on-site by a system of sediment basins, traps, or other appropriate measures.
 - c. A spill prevention and countermeasure plan shall be developed that will identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on-site. The plan will also require the proper storage, handling, use, and disposal of petroleum products.

- d. Construction activities shall be scheduled to minimize land disturbance during peak runoff periods and to the immediate area required for construction. Existing vegetation will be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
 - e. Surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
 - f. Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out. Store, cover, and isolate construction materials, including topsoil and chemicals, to prevent runoff losses and contamination of groundwater.
 - g. Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events. All removed topsoil shall be reused during construction to the extent feasible. Unused topsoil, if any, shall be broadly redistributed to the surrounding areas in such a manner that topography and vegetation cover would not be adversely impacted.
 - h. Establish fuel and vehicle maintenance areas away from all drainage courses and design these areas to control runoff.
 - i. Disturbed areas will be re-vegetated after completion of construction activities.
 - j. Provide sanitary facilities for construction workers.
27. **Mitigation Measure 23:** The applicant shall use the following best management practices (BMPs) to minimize potential adverse effects of the project to groundwater and soils from chemicals used during construction activities:
- a. Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction;
 - b. Avoid overtopping construction equipment fuel gas tanks;
 - c. Provide secondary containment for any hazardous materials temporarily stored on-site;
 - d. During routine maintenance of construction equipment, properly contain and remove grease and oils;
 - e. Perform regular inspections of construction equipment and materials storage areas for leaks and maintain records documenting compliance with the storage, handling and disposal of hazardous materials; and
 - f. Properly dispose of discarded containers of fuels and other chemicals.
28. **Mitigation Measure 24:** The construction contractor(s) shall develop a construction management plan for review and approval by the County's Planning Department and Department of Public Works. The

plan shall include at least the following items and requirements to reduce, to the maximum extent feasible, any safety hazards and traffic congestion during construction:

- a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, signs, and designated construction access routes.
- b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular traffic, and circulation and safety. Impacts to Highway 92 shall be minimized to the greatest extent possible.
- c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- d. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor.

Grading Permit Conditions

29. The provision of the San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Per San Mateo County Ordinance Section 8605.5, all equipment used in grading operations shall meet spark arrester and fire-fighting tool requirements, as specified in the California Public Resources Code.
30. 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.
31. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 8606.5 of the Grading Ordinance.
32. 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 to the Department of Public Works and the Geotechnical Section that all grading has been completed in conformance with the approved plans, conditions of approval, and the Grading Ordinance.
 - b. All applicable work during construction shall be subject to observation and approval by the geotechnical consultant. Section II of the Geotechnical Consultant Approval form must be submitted to the County's Geotechnical Engineer and Current Planning Section.
33. The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Re-vegetation of denuded areas shall begin immediately upon completion of grading/construction operations.
34. The grading permit "hard card" and the building permit shall be issued at the same time. No grading shall occur until the "hard card" has been issued.
35. Unless approved, in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion.
36. 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.

Building Inspection Section

- 37. 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.

Geotechnical Section

- 38. The applicant shall comply with all requirements of the Geotechnical Section prior to the issuance of a grading permit and/or building permit.

Department of Public Works

- 39. The applicant shall submit a permanent stormwater management plan in compliance with the County’s Drainage Policy and National Pollutant Discharge Elimination System requirements for review and approval by the Department of Public Works.
- 40. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.

- 8. **Owner:** Jaime Gonzalez
Applicant: County of San Mateo Planning and Building Department
 File No.: PLN2012-00315
 Location: 3821 Fair Oaks Ave
 Assessor’s Parcel No.: 060-123-360

Consideration of a recommendation to the Board of Supervisors requiring a non-conforming use be removed or converted to a permitted use. This item is continued from the November 20, 2013 meeting. SENIOR PLANNER: Mike Schaller. Telephone: 650/363-1849 or Email: mschaller@smcgov.org

SPEAKERS:

- 1. Peter Kagel
- 2. Andrea Houghton
- 3. Chimene Keitner
- 4. Jim Brandon

COMMISSION ACTION:

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

Commissioner Dworetzky moved to recommend to the Board of Supervisors the adoption of a resolution finding that a non-conforming commercial use at 3821 Fair Oaks Avenue could be detrimental to the health, safety, and welfare of the surrounding area and that it degrades the neighborhood character. Commissioner Hansson seconded the motion. **Motion carried 3-1-0-1.**

Ayes: Commissioners Dworetzky, Hansson, and Ranken
 Noes: Commissioner Slocum
 Absent: Commissioner Simonson

Based on information provided by staff and evidence presented at the hearing, the Planning Commission recommended to the Board of Supervisors the adoption of a resolution finding that a non-conforming commercial use at 3821 Fair Oaks Avenue could be detrimental to the health, safety, and welfare of the surrounding area and that it degrades the neighborhood character, making the findings as follows:

FINDINGS:

Regarding the Proposed Resolution, Recommended to the Board of Supervisors:

1. That the continuation of the existing commercial use of the site and any potential future commercial use of the site could be detrimental to the health, safety and public welfare of the surrounding area. Among the reasons for such a finding are:
 - a. The significant volume of commercial vehicle loading and unloading occurring in this residential neighborhood, where there is inadequate infrastructure to allow the unloading of supply trucks and the loading of delivery trucks without unduly obstructing traffic on Fair Oaks Avenue and San Benito Avenue, could impede the safe flow of traffic and can potentially block the access of emergency vehicles and is therefore detrimental to public safety;
 - b. Occasional noise and odors emitted from a commercial operation could be detrimental to the public welfare;
 - c. The continuous occupation of the structure during business hours by the number of employees necessary to sustain a commercial operation could put an undue strain on the capacity of the neighborhood infrastructure (including, for example, parking) and is detrimental to the public welfare;
 - d. The creation of refuse and waste from a commercial operation in this residential neighborhood is detrimental to public health; and
 - e. The amount of parking on-site is insufficient to accommodate the number of employees of a business. The lack of parking has resulted in spillover of employee parking into the surrounding neighborhood.

2. That continuation of the existing commercial use of the site degrades the neighborhood character. Among the reasons for such a finding are that the only commercially sustainable business that has occupied the site in recent history is highly intensive and not a neighborhood-serving establishment that is consistent with the current neighborhood character, and that the existence of a commercial establishment on one corner in the middle of an exclusively residential neighborhood without significant on-site commercial amenities has resulted in the neighborhood impacts outlined above.

9. **Owner:** Stillheart Institute
Applicant: Stillpath Recovery Center, LLC
 File No.: PLN2006-00181
 Location: 16350 Skyline Boulevard in unincorporated Woodside
 Assessor's Parcel No.: 072-331-010

Consideration of a Use Permit Amendment, pursuant to Section 6500 of the County Zoning Regulations, to allow a change in use for the Stillheart Retreat Facility, from an educational/meditation retreat center to a non-medical residential treatment center. The project is located at 16350 Skyline Boulevard, in the unincorporated Woodside area of San Mateo County. This item is continued from the October 23, 2013 meeting. Application filed July 29, 2013. SENIOR PLANNER: Mike Schaller. Telephone: 650/363-1849 or Email: mschaller@smcgov.org

SPEAKERS:

1. Christian Marsh
2. Annie Mudge
3. Patrick Ratka
4. Ellen Wise (ceded time by Rachel Jones)
5. Amy Bogart
6. Peggy Bogart
7. Lori Palazzolo
8. Martin Eberhard
9. Severo Ornstein
10. William Lansing
11. Stephen Artim
12. Leiv Lea
13. Kathy Kennedy-Miller
14. Rob Ferber
15. Chris Reynolds
16. Tammy Artim
17. Marguerite Kaufman
18. Michael Blatt
19. Dr. Brigitte Lank
20. J.R. Rodine

COMMISSION ACTION:

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

Commissioner Slocum moved to continue the item until all five Commissioners were present. Commissioner Simonson seconded the motion. **Motion carried 3-1-0-1.**

Ayes: Commissioners Dworetzky, Simonson, and Slocum

Noes: Commissioner Ranken

Absent: Commissioner Hansson

Based on information provided by staff and evidence presented at the hearing, the Planning Commission continued the request to a date uncertain.

Please note that due to a clerical error, the published agenda for the December 11, 2013 meeting stated that this project is appealable to the California Coastal Commission. This project is outside of the Coastal Zone and is not appealable to the Coastal Commission.

10. Correspondence and Other Matters

None.

11. **Consideration of Study Session for Next Meeting**

None.

12. **Director's Report**

1. Board of Supervisors Decision Regarding 3821 Fair Oaks Ave
2. Transportation Funding
3. Upcoming Performance Measurements for the Planning & Building Department

13. **Adjournment**

The meeting adjourned at 3:10 p.m.