



## Planning & Building Department Planning Commission

Kumkum Gupta, 1<sup>st</sup> District  
Frederick Hansson, 2<sup>nd</sup> District  
Lisa Ketcham, 3<sup>rd</sup> District  
Manuel Ramirez, Jr., 4<sup>th</sup> District  
Mario Santacruz, 5<sup>th</sup> District

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

### ACTION MINUTES- DRAFT

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MEETING NO. 1705  
Wednesday May 12, 2021  
9:00 a.m.

\* BY VIDEOCONFERENCE ONLY\*

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Chair Ketcham called the meeting to order at 9:00 a.m.

**Pledge of Allegiance:** The Pledge of Allegiance was led by Chair Lisa Ketcham.

**Roll Call:** Commissioners Present: Gupta, Ketcham, Hansson, Santacruz, Ramirez  
Staff Present: Monowitz, Fox, Montes

Legal notice published in the San Mateo County Times on May 1, 2021 and Half Moon Bay Review on May 5, 2021.

### **CONSENT AGENDA** 9:00 a.m.

**Oral Communications** via written comment only via email:  
None

**Consideration of the Minutes** of the Planning Commission meeting of April 14, 2021 and April 28, 2021.

Chair Ketcham moved to move the minutes to the next agenda in order to give Commissioners more time to review.

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### **REGULAR AGENDA**

- Owner:** Peninsula Open Space Trust (POST)  
**Applicant:** San Mateo Resources Conservation District  
**File Number:** PLN2021-00010  
**Location:** Undeveloped farm land one mile south of the Town of Pescadero  
**Assessor's Parcel No's:** 086-080-030

Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to implement the Butano Farms San Francisco Garter Snake Habitat Enhancement Project. The project is located on undeveloped farm land south of the Town of Pescadero, in the unincorporated Pescadero area of San Mateo County. This project is appealable to the California Coastal Commission. Application deemed complete on March 2, 2021. Please direct any questions to Project Planner Michael Schaller at [mschaller@smcgov.org](mailto:mschaller@smcgov.org).

**SPEAKERS:**

1. Amy Keaser, Applicant

**COMMISSION ACTION:**

Commissioner Chair closed the public hearing.

Commissioner Santacruz moved and Commissioner Ramirez seconded the motion. **Motion carried 5-0-0-0.**

Based on information provided by staff and evidence presented at the hearing that the Planning Commission approved the Coastal Development Permit, County File Number PLN 2021-00010, by adopting the required findings and conditions of approval as follows:

**FINDINGS:**

Regarding the Environmental Review, Found:

1. That the Planning Commission, acting as a responsible agency, has reviewed and considered the environmental effects as shown in the Mitigated Negative Declaration, prepared by the San Mateo County Resource Conservation District as CEQA Lead Agency, and has imposed the mitigation measures in the Mitigated Negative Declaration as conditions of project approval in conformance with the California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations 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 with regards to the protection of biotic and visual resources.
3. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program as discussed in Section A(2) of this Staff Report. Protection measures will be implemented to prevent any impact to biological resources, including San Francisco garter snake and California red-legged frog.

**CONDITIONS OF APPROVAL:****Current Planning Section**

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 May 12, 2021. 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.

## Mitigation Measures from the RCD's Initial Study/Mitigated Negative Declaration

**2. *Mitigation Measure BIO-1: Rare Plant Surveys***

Rare plant surveys of the proposed disturbance areas will be conducted by a qualified botanist for the plant species that have the potential to occur within the project site. Surveys shall be done in accordance with CNPS's Botanical Survey Guidelines (CNPS 2001), CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018), and USFWS's Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS 1996). If present, special-status plant populations will be flagged and if possible, avoided during construction. If the populations cannot be avoided during construction a mitigation plan will be developed for approval by the Department and CDFW which will include transplanting the plant population.

**3. *Mitigation Measure BIO-2: CRLF Avoidance and Minimization Measures***

- a) Within two days of the start of work on a pond, the pond will be sampled by a qualified biologist to ensure that all frogs from that pond are in post-metamorphic stage and will be minimally affected by draining the pond. If the construction plans allow for existing open water and emergent vegetation areas to remain wetted and be isolated from construction activities, a qualified biologist will be on-site during draining of the work area to ensure that any remaining tadpoles or metamorphs are safely relocated to areas with standing water.
- b) Draining of ponds to perform authorized work shall only occur during the part of the year when the tadpole life stage of CRLF has been completed and before the subsequent breeding season (i.e. between August 15 and November 1).
- c) All biological monitors for the project shall be approved by USFWS prior to commencement of project activities. The biological monitors and qualified biologists shall have the responsibility and authority of stopping the proposed project if any crews or personnel are not complying with the provisions outlined in this IS/MND.
- d) Biological monitor(s) and/or qualified biologists shall be on the project site while initial ground-disturbing activities (excavation) or pond draining activities take place. A Service approved biologist will be on-call during all project activities in the event a San Francisco garter snake or California red-legged frog is discovered, or for any other assistance relating to the avoidance and minimization measures.

- e) Prior to project activities, a biological monitor shall clearly mark/flag or erect temporary construction fencing to designate the work area and to delineate the areas that shall be avoided. Flagging and or temporary construction fencing shall be removed immediately after the completion of construction work.
- f) Dredge spoils shall be placed in a containment area away from the creek. The area where dredge spoils will be placed shall be surveyed for CRLF and SFGS. If burrows are present in this area, Permittee shall hand excavate burrows until the burrow terminates or until a maximum depth of 30 centimeters. If CRLF or SFGS are found, all work shall cease and Permittee shall notify CDFW and USFWS immediately.
- g) Any vehicle parked on site for more than 15 minutes shall be inspected by the biological monitor before it is moved to ensure that CRLF and/or SFGS have not moved under the vehicle. Any parking areas shall be checked in advance by the biological monitor or qualified biologist.
- h) If CRLF enters the work area, all work shall stop until the qualified biologist relocates the animal or it leaves on its own. Only the qualified biologist can handle and relocate CRLF. Any sightings and/or injuries of this species shall be immediately reported to the CDFW per instructions below:
- i) CRLF Relocation. Prior to the onset of any project-related activities, the qualified biologist must identify appropriate areas to receive CRLF adults from the Project Areas. These areas must be in proximity to the capture site, contain suitable habitat, not be affected by project activities, and be free of exotic predatory species to the best of the approved biologist's knowledge. Translocation shall only be performed by the qualified biologist.

4. **Mitigation Measure BIO-3: SFGS Avoidance and Minimization Measures**

- a) Prior to and within 48 hours of the planned start of project activities, a focused survey for SFGS using agency approved protocol shall be conducted by a USFWS-approved biological monitor to determine if they are in the area. If SFGS are found, the USFWS shall be notified immediately to determine the correct course of action and proposed project shall not begin until approved by the USFWS.
- b) Activities that result in ground disturbance will occur May 1–October 30 (active season). Vegetation will be cut using to 3 inches in height. Once the ground is visible, a visual survey for SFGS will be conducted by the biologist prior to additional ground disturbance. If SFGS is found, USFWS will be notified immediate to determine the correct course of action. If work needs to occur during the inactive period (November 1– April 30) and is located in an area of known occupancy, flag and avoid any burrows by at least 10 feet wherever possible. If any burrows cannot be avoided by this distance, a biologist will inspect following activities to determine whether or not the burrow has been collapsed. If a burrow is collapsed, the biologist shall make efforts to open the burrow.

- c) Prior to conducting non-native plant removal or treatments (e.g. spraying with herbicide, cutting, pulling, digging out), the permittee shall make every reasonable attempt to ensure that SFGS are not hidden within the plant or residual plant matter to be treated.
- d) The USFWS approved biological monitor shall walk roads cleared for vehicle access each morning prior to vehicle traffic to ensure San Francisco garter snakes are not in the road. Vehicles shall not drive at speeds greater than 5 miles per hour within the project area and drivers shall observe the road for San Francisco garter snakes. If a San Francisco garter snake is found on the road, the vehicle operator shall stop, and the San Francisco garter snake shall be allowed to leave on its own volition.

5. **Mitigation Measure BIO-4:** Western Pond Turtle Avoidance and Minimization Measures

- a) Prior to and within 48 hours of the planned start of construction, a focused survey for WPT shall be conducted by a CDFW approved biological monitor to determine if they are in the area. If these species are found, the CDFW shall be notified immediately to determine the correct course of action and construction activities shall not begin until approved by the CDFW.
- b) In the event WPT are found in the project area, the RCD shall exercise measures to avoid direct injury to them as well as avoid areas where they are observed to occur. If a WPT is observed, it shall be left alone to move out of the area on its own. If it does not move on its own, it can be relocated by the biological monitor or the qualified biologist to at least 100-meters away from project location to a suitable habitat.

6. **Mitigation Measure BIO-5:** Nesting Bird Avoidance and Minimization Measures

- a) To the extent feasible, vegetation removal activities shall not occur during the bird breeding season of February 15 through August 31.
- b) If vegetation removal must occur during the breeding season the project site shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds.
- c) Preconstruction surveys will be conducted no more than two weeks prior to the start of work from February 15 – August 31.
- d) If the survey indicates the potential presence of nesting birds, a buffer will be placed around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFW, and will be based to a large extent on the nesting species and its sensitivity to disturbance. The buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

7. **Mitigation Measure BIO-6:** San Francisco Dusky Woodrat Avoidance and Minimization Measures

- a) The removal of trees and large shrubs shall be minimized to the maximum extent practicable and shall be limited to those areas directly adjacent within the project footprint.
- b) Tree removal or construction activities with potential to disturb suitable habitat for dusky footed woodrat (riparian scrub) shall only occur after a biologist conducts a preconstruction survey for woodrat nests within the woody riparian habitats to be removed and adjacent riparian habitat. If any woodrat nest is identified outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances will be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the nest. No construction activities will occur within the exclusion zones. Exclusion zone radii for active nests will be 50 feet, if possible. Exclusion zones will be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the nest. If a nest is identified within the disturbance footprint, then nest relocation procedure will be determined by the biologist, in consultation with CDFW.

8. **Mitigation Measure BIO-7: American Badger Avoidance and Minimization Measure**

Pre-construction surveys shall be conducted in any grassland habitat within the project footprint for active badger dens. If a badger den is identified within the proposed disturbance footprint, exclusion zones around each den entrance will be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No construction activities will occur within the exclusion zones. Exclusion zone radii for active dens will be at least 50 feet. Exclusion zones will be demarcated with staking and flagging that encircles each den or entrance but does not prevent access to the den by a badger.

9. **Mitigation Measure BIO-8: Open Water Protective Measures**

- a) The project applicant would implement the BMPs outlined in Table 2 to minimize stormwater runoff, erosion, and potential water quality impacts associated with construction activities. In addition, all contractors working in a capacity that could increase the potential for adverse water quality impacts shall receive training regarding the environmental sensitivity of the site and need to minimize impacts. Contractors shall be trained in implementation of stormwater BMPs for protection of water quality.
- b) No debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete, or washings thereof, or other construction related materials or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into open water habitat and/or waters of the State. Any of these materials placed within or where they may enter waters shall be removed immediately. When operations are completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into adjacent waters.

- c) During construction the contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- d) Any excavation necessary shall be completed from outside of wetlands, where feasible, by using an excavator or backhoe tractor, thereby limiting the driving of heavy equipment across wetlands.
- e) Prohibit vehicular and equipment refueling 100 feet from the edge of other wetlands, streams, or waterways. If refueling must be conducted closer to wetlands, construct a secondary containment area subject to review by the RCD and/or consulting biologist. Maintain spill prevention and cleanup equipment in refueling areas.

10. **Mitigation Measure BIO-9: Wetland Protective Measures**

- a) Prior to the start of construction within areas containing sensitive biological resources, the biological monitor should delineate and conspicuously flag all sensitive aquatic resources to prevent impacts to these resources. If required, setback or non-disturbance buffer zones around these resources should be established and monitored by a biologist.
- b) Construction activities nearby or within aquatic habitats should be limited to the maximum extent feasible.
- c) Any aquatic habitat that does not fall within the construction footprint should be flagged and avoided.
- d) Work within waters should be conducted during the dry season, when water is not flowing, to the extent possible.
- e) Worker environmental awareness training should be conducted for all construction crews and contractors. The education training should be conducted prior to starting work on the project and upon the arrival of any new worker. The training should include: locations of sensitive areas; possible fines for violations; environmental permits and regulatory compliance requirements including all relevant avoidance and mitigation measures, and required actions should sensitive species be encountered. Additional training should be conducted as needed, including morning "tailgate" sessions to update crews as they advance into sensitive areas for projects with multiple work areas. In addition, a record of all personnel trained during the project should be maintained for compliance verification.

11. **Mitigation Measure CUL-1: Conduct Identification Training and Stop Work if Archaeological Resources are Encountered During Construction or if Unique Paleontological or Geological Resources are Encountered During Construction**

- a) The construction contractor shall participate in a cultural and paleontological resource identification training session by a qualified archaeologist in order to be aware of the potential resources that might be uncovered. If archaeological or paleontological

resources are encountered during project construction, work shall be temporarily halted in the vicinity of the discovered materials and construction contractor shall avoid altering these materials and their context until a qualified archaeologist or paleontologist has evaluated the resource. Recommendations on how to treat the resource may include evaluation, preservation in place, archaeological test excavation and/or archaeological data recovery, and a draft and final report documenting such activities.

12. **Mitigation Measure CUL-2:** Discovery of Human Remains

- a) If at any time during site preparation, excavation, or other ground disturbance associated with the proposed project, human remains are discovered, the construction contractor shall immediately cease and desist from all further site excavation and notify the RCD. The RCD shall notify the sheriff-coroner. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity. Disturbance shall not resume until the significance of the human remains is determined and appropriate mitigations to preserve the resource on the site are established.

\_PC or ZHO SRT (3-16-17)

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2. **Correspondence and Other Matters**

None

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

No Study Sessions planned for the next meeting but there are no items on the next agenda. More to come on that if anything's changes.

4. **Director's Report**

County is leading into the Yellow tier, June 15<sup>th</sup> is still the targeted to re-open to the public. The P&B department will be looking at a few changes and contemplating limiting visits to the 2<sup>nd</sup> floor on an appointment system. More to come on the format on public meetings and waiting to hear from the Board of Supervisors and their public hearings.

New Building Official Fred Lustenberger to come on board on June 7, 2021.

Coastal Commission – Mirada Road Bridge replacement project to be heard on Friday.

Two Board items to the Next meeting will be the appeal on Cardinal Court. The other item is the General Plan amendment to the Sequoia Tract. The Child Care Ordinance was approved by the Board of Supervisors.

5. **Commissioner Updates and Questions**



Commissioner Gupta raised a question on the Kiosk and how many people are manning the appointments.

**6. Adjournment**

Meeting was adjourned at 10:05 a.m.

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