



## 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

#### **DRAFT**

MEETING NO. 1711  
Wednesday, September 22, 2021

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 Ketcham.

**Roll Call:** Commissioners Present: Ketcham, Hansson, Gupta, Santacruz, Ramirez  
Commissioners Absent: None  
Staff Present: Monowitz, Fox, Montes

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Legal notice published in the San Mateo County Times on September 11, 2021 and the Half Moon Bay Review on September 15, 2021.

**Oral Communications** to allow the public to address the Commission on any matter not on the agenda.

1. None

#### **CONSENT AGENDA**

**Consideration of the Minutes** of the Planning Commission meetings of August 25, 2021 and September 8, 2021.

Commissioner Gupta motioned to approve the minutes as revised. Commissioner Santacruz seconded the motion. **Motion carried 5-0-0-0.**

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**REGULAR AGENDA  
9:00 a.m.**

1. **Owner:** **SUNCAL PROPERTIES & INVESTMENTS PARTNERSHIP LLC**  
**Applicants:** **Raj Sharma**  
 File Number: PLN2020-00043  
 Location: Ocean Blvd, Moss Beach (District 3)  
 Assessor's Parcel No's: 037-278-090

Consideration of a Coastal Development Permit, Design Review Non-Conforming Use Permit, and Variance, to allow the construction of a new 1,861 sq. ft. single-family residence with an attached two-car garage (423 sq. ft.), with a reduced front setback to 14 feet, 8 inches where 20 feet is required, and an increase in allowed site coverage from 25% to 32% on a substandard 4,761 sq. ft. legal parcel located on Ocean Boulevard in the unincorporated Moss Beach area. The project includes a sewer mainline extension along Ocean Avenue. The Coastal Development Permit is appealable to the California Coastal Commission.

**SPEAKERS**

1. Raj Sharma, Applicant
2. Lennie Roberts
3. Lou Richardson
4. Barry (Moss Beach)
5. Jessie Geurse

**COMMISSION ACTION**

Public hearing was closed by unanimous consent.

Commissioner Hansson moved to continue the item to a date uncertain to address the gaps in project, Commissioner Santacruz seconded the motion. **Motion carried 3-2-0-0.**

- 3= AYES (YES)  
 2= NOES (Commissioner Gupta and Ramirez vote NO)  
 0= ABSENT
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2. **Owner/Applicant** **Sanjeet Dutta**  
**Appellant:** **Bob Zimmerman**  
 File Number: PLN2020-00130  
 Location: Bonita Rd, Portola Valley (District 3)  
 Assessor's Parcel No's: 080-060-570

Consideration of an appeal of the Community Development Director's decision to approve a Grading Permit, pursuant to Section 9283 of the County Grading Regulations, to allow 728 cubic yards of grading and the removal of nine significant trees for site improvements at 250 Bonita Road in the unincorporated Los Trancos Woods area of San Mateo County.

### **SPEAKERS**

1. Robert Zimmerman, Appellant
2. Sanjeet Dutta, Owner
3. Chris Hundemer

### **COMMISSION ACTION**

Public hearing was closed by unanimous consent.

Commissioner Santacruz moved to deny the appeal and uphold the decision. and Commissioner Gupta seconded with the language that states that the lighting condition of approval limit light intensity to the requirement for safety. **Motion carried 4-1-0-0, Commissioner Hansson opposed.**

### **FINDINGS**

1. For the Environmental Review:
  - a. That the Initial Study and Mitigated Negative Declaration are complete, correct, adequate, and prepared in accordance with the CEQA and the applicable State and County Guidelines.
  - b. That, on the basis of the Initial Study and comments received hereto, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. The mitigation measures in the categories of air quality, biological resources, cultural resources, geology, noise, and tribal cultural resources have been incorporated as conditions of approval of this project and implementation of the measures would reduce the impact of the project a less than significant level.
  - c. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated as conditions of project approval and strengthened to address MROSD concerns regarding the potential for spread of a common plant pathogen.
  - d. That the Initial Study and Mitigated Negative Declaration reflect the independent judgment of the County.
2. For the Grading Permit:

- a. That the granting of the permit will not have a significant adverse effect on the environment as the lot has no sensitive habitat, is currently developed with a single-family house, and the proposed grading would increase the overall slope stability of the parcel.
- b. That the project conforms to the criteria of Chapter 5, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 9296 including timing of grading activity, implementation of erosion and sediment control measures, and dust control measures.
- c. That the project is consistent with the General Plan as the project proposes to terrace portions of the property near the house for increased slope stability, and the topography of the rear half of the property would remain unchanged.
- d. That the project is consistent with the provisions of the Significant Tree Removal Ordinance, the provisions of which must be considered and applied as part of the grading permit approval process (Significant Tree Removal Ordinance Section 12.020.1(e)). The number of trees proposed for removal has been minimized through project design that only removes trees necessary for the development and provides tree replacements.

## **CONDITIONS OF APPROVAL**

### **Current Planning Section**

1. This approval applies only to the proposal, documents, and plans described in this letter, and submitted to and approved by the Planning Commission on September 22, 2021. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director.
2. This approval shall be valid for one (1) year from the date of this letter by which time a valid building permit shall have been issued. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees sixty days prior to expiration.
3. **Mitigation Measure 1:** The applicant shall implement the following basic construction measures at all times:
  - a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

- c. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person, or his/her designee, 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.
4. **Mitigation Measure 2:** The applicant shall implement the following dust control measures during grading and construction activities:
  - a. Water all active construction and grading areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. Apply water two times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at the project site.
  - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets/roads.
  - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
5. **Mitigation Measure 3:** All trees proposed for removal shall be replaced at a 1:1 ratio. Replacement of each oak tree removed shall be with acorns from the same watershed. Acorn planting should follow Midpeninsula Regional Open Space District's planting instructions. Replacement of each bay tree removed shall be with an alternative native tree species. Any trees replaced with nursery stock, rather than acorns, shall be a minimum 15-gallon size stock. All proposed replacement trees shall be shown on a Tree Replanting Plan or Landscape Plan and shall include species, size, and location. The Plan shall be submitted to the County Planning and Building Department for review and approval as part of the building permit plan sets.
6. **Mitigation Measure 4:** The applicant shall submit a detailed Tree Protection Plan incorporating measures from a certified arborist as part of the building permit plan sets.
7. **Mitigation Measure 5:** In the event that cultural, paleontological, or archaeological resources are encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor 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 project sponsor. 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. In addition, an archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased. No further

grading or site work within the area of discovery shall be allowed until the preceding has occurred.

8. **Mitigation Measure 6:** In the event of discovery or recognition of any human remains during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The applicant shall then immediately notify the County Coroner's Office and possibly the State Native American Heritage Commission to seek recommendations from a Most Likely Descendant (Tribal Contact) before any further action at the location of the find can proceed. All contractors and sub-contractors shall be made aware of these requirements and shall adhere to all applicable laws including State Cultural Preservation laws. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
9. **Mitigation Measure 7:** The applicant shall submit an erosion control plan in compliance with the County's General Erosion and Sediment Control Plan Guidelines Checklist for review and approval as part of the building permit plans submittal.
10. **Mitigation Measure 8:** No grading shall be allowed during the wet weather season (October 1 through April 30) to avoid increased potential soil erosion, unless the applicant applies for an Exception to the Winter Grading Moratorium and the Community Development Director grants the exception. Exceptions will only be granted if dry weather is forecasted during scheduled grading operations, and the erosion control plan includes adequate winterization measures (amongst other determining factors).
11. **Mitigation Measure 9:** An Erosion Control and Tree Protection Pre-Site Inspection shall be conducted prior to the issuance of a grading permit "hard card" and building permit to ensure the approved erosion control.
12. **Mitigation Measure 10:** In the event that cultural, paleontological, or archaeological resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor 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 project sponsor. 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 grading or 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).
13. **Mitigation Measure 11:** Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo County Ordinance Code Section 4.88.360).

14. **Mitigation Measure 12:** Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.
15. **Mitigation Measure 13:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.
16. **Mitigation Measure 14:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.
17. Prior to final approval of the building permit, the applicant shall implement the approved Landscape Plan, including planting all replacement trees as shown on the approved Tree Replanting Plan, except that one new Oak tree shall be planted for each significant Oak tree removed. In addition, all disturbed land shall be stabilized.
18. Prior to final approval of the building permit, the applicant shall submit a completed WELO Certificate of Completion and Installation, as well as a completed Landscape Certification, with required materials as stated on the forms. Forms are available at: <https://planning.smcgov.org/water-efficient-landscape-ordinance-welo>
19. No vegetation/ tree removal, land disturbance, or grading activities shall commence until the property owner 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. All associated building permit(s) shall be issued concurrently with the Grading Permit. No grading activities shall commence until all permits have been issued.
20. 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 9296.5, all equipment used in grading operations shall meet spark arrester and firefighting tool requirements, as specified in the California Public Resources Code.
21. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 9297.1 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 9297.4 of the Grading Ordinance.
22. Erosion and sediment control during the course of this grading work shall be installed and maintained according to a plan prepared and signed by the engineer of record and approved by the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer.

23. It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected as determined by and implemented under the observation of the engineer of record.
24. For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty days of the completion of grading at the project site:
  - a. The engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval, and the Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Engineer.
  - 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.
25. Prior to Planning approval of the building permit, the applicant shall submit a maintenance surety deposit of \$500 to be held to the end of the 1-year monitoring period. The purpose of the surety is to ensure growth of the planted acorns to achieve the replacement requirement. Such surety shall only be released at the end of the monitoring period upon confirmation by Planning staff.
26. During tree removal, the arborist developer shall use protocols to implement to minimize the spread of Sudden Oak Death (Phytophthora), including disinfecting tools and removing soil from heavy equipment before entering and when leaving the project site.
27. All proposed outdoor lighting shall be dark sky compliant, as described by the International Dark-Sky Association.

#### Drainage Section

27. A final grading and drainage plan stamped and signed by a registered Civil Engineer will be required at the building permit submittal.

#### California Water Service

28. Any improvements to the water system will be at the owner's expense including additional services or fire protection needs. All storm and sewer lines must have separation from Water of 10-foot horizontal separation and 1-foot vertical separation below the water main or service line, service lines which go through one property to another property must have legal easements granted with documentation submitted to Cal Water before installation.

#### Department of Public Works



29. Should the access shown on the plans go through neighboring properties, the applicant shall provide documentation that "ingress and egress" easements exist providing for this access, prior to issuance of Building permit.
30. The applicant shall provide a haul route showing the location of the export site, the designated truck route, hours of operation, scheduled haul dates for review and coordination to the Department of Public Works. Applicant will be responsible for repairs to any damage on the roadway due to hauling operations for this project as determined by the road inspector.

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#### **4. CORRESPONDENCE AND OTHER MATTERS**

We received with the exception of the email from the Coastal Commission but will be part of the report once it comes back to hearing regarding item 1.

#### **5. CONSIDERATION OF STUDY SESSION FOR NEXT MEETING**

No study session for next meeting but we will have 3 items on the agenda.

#### **6. DIRECTOR'S REPORT**

Board of Supervisors agreed to the suggested modification that the Coastal Commission required for Accessory Dwelling Units.

#### **7. COMMISSION QUESTIONS**

Commissioner Ramirez: CSB9 – State approved for subdividing residential lots? Steve is looking into the details and how this will affect our County. Ramirez suggested for study session soon once we know more information.

Chair Ketcham: Public Meetings update. Steve Monowitz and Janneth Lujan both shared the meetings will most likely remain virtual until November or later.

Tim Fox commented that Counsel had to move quickly and advise the various bodies of the County on how to respond. Option to continue to conduct meetings like the one we had today. Encouragement to continue in this format and will bring an appropriate option to the next meeting.

City of South San Francisco is holding Hybrid meetings.

#### **ADJOURNEMENT**

Meeting was adjourned at 11:17 a.m.