

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

DATE: March 9, 2022

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of an After-the-Fact Coastal Development Permit to fully legalize a replacement domestic well at 3501 Higgins Canyon Road in the unincorporated Rural Midcoast area of San Mateo County. No grading or tree removal is proposed. This project is not appealable to the California Coastal Commission.

County File Number: PLN 2021-00231 (Burke/Ferenz)

PROPOSAL

The applicant is requesting an After-the-Fact Coastal Development Permit (CDP) to fully legalize a replacement domestic well, drilled in 2020 under Emergency Coastal Development Permit No. PLN2020-00316. The replacement well was drilled due to the failure of the existing well, which did not meet the flow rate threshold of 2.5 gallons per minute (GPM) for domestic wells.

Existing Single Family Residence and Domestic Well

The existing 2,010-square-foot single-family residence was constructed with a Coastal Development Permit (File No. CDP85-37HIST) in 1986. The existing residence consists of three (3) bedrooms and two and a half (2.5) bathrooms.

The single-family residence is served by an after-the-fact domestic well approved under Emergency Coastal Development Permit No. PLN 2020-00316, which was approved by the Department of Planning and Building on September 30, 2020.

RECOMMENDATION

That the Planning Commission approve the Coastal Development Permit application, County File Number PLN 2021-00231, based on and subject to the findings and conditions of approval listed in Attachment A.

BACKGROUND

Conformity with the General Plan

The legalization of the after-the fact domestic well complies with the General Plan policies. The domestic well is not anticipated to have any impacts on vegetative, water, fish, and wildlife resources.

Compliance with San Mateo County Zoning Regulations

The existing single-family residence was constructed in 1986 with necessary planning and building permits. The after-the-fact domestic well provides water to the residence on the same parcel. For these reasons, the after-the-fact domestic well is necessary and reasonable as it serves the existing legal residence.

Compliance with Local Coastal Program (LCP) Policies

The legalization of the after-the fact domestic well complies with the LCP policies. The after-the-fact domestic well is not within or near any sensitive habitats. No tree or riparian vegetation has been removed to accommodate the after-the-fact domestic well, as the well is established in a previously disturbed area.

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The applicant is requesting an After-the-Fact Coastal Development Permit (CDP) to fully legalize a replacement domestic well, drilled in 2020 with Emergency Coastal Development Permit No. PLN 2020-00316. The replacement domestic well was drilled due to the failure of the previous well, which did not meet the flow rate threshold of 2.5 gallons per minute (gpm) for domestic wells.

Existing Single Family Residence and Domestic Well

The existing 2,010-square-foot single-family residence was constructed with a Coastal Development Permit (File No. CDP85-37HIST) in 1986. The existing residence consists of three (3) bedrooms and two and a half (2.5) bathrooms. On September 17, 2020, the applicant submitted a request for an emergency CDP to drill a replacement well for the failing domestic well on the subject parcel. The failing well was located approximately 65 feet southeast of the existing residence and 12 feet from the right-side property line. There are no streams on or adjacent to the subject parcel.

Well tests performed by H.R. Henry Plumbing Company found that the failing well had a 4-hour flow rate of only 0.25 gallons per minute (gpm). As confirmed by San Mateo County Environmental Health Services, that rate did not meet the County's domestic well requirements for flow, nor the County Fire Marshall's requirements for water flow for fire suppression.

The replacement well was drilled approximately 58 feet north of the failed well, and was setback from the nearest property line approximately 36 feet (see Attachment C- Project

Plans). This location is in an open field area of the property. No trees required removal to accommodate the replacement well.

RECOMMENDATION

That the Planning Commission approve the Coastal Development Permit application, County File Number PLN 2021-00231, subject to the findings and conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Glen Jia, Project Planner, bjia@smcgov.org

Applicant: Kerry Burke

Owner: Kathleen Ferenz

Location: 3501 Higgins Canyon Road, Half Moon Bay

APN: 066-140-120

Parcel Size: 4.15 Acres

Existing Zoning: Resource Management-Coastal Zone District/Coastal Development District (RM-CZ/CD)

General Plan Designation: Open Space

Local Coastal Plan Designation: Open Space

Williamson Act: The property is not under a Williamson Act Contract.

Existing Land Use: Single-family Residential

Water Supply: The existing single-family residence is served by an domestic well, which is proposed to be fully legalized with the subject application. This application has been reviewed by the San Mateo County Environmental Health Services, which has conditionally approved the subject application.

Sewage Disposal: The subject parcel is served by an existing septic system.

Flood Zone: Zone X (Areas of Minimal Flood Hazard), FEMA Community Panel 06081C-0260E, Effective Date: October 16, 2012.

Environmental Evaluation: The full legalization of the after-the-fact domestic well is categorically exempt under CEQA Guidelines Section 15303. The well is a small construction within an existing developed area and is an accessory to the existing residential use.

Setting: The subject parcel is approximately 4.15 acres in size. A majority of the parcel consists of hills that form a relatively flat area in the southeastern portion of the subject parcel where the after-the-fact domestic well is situated. The domestic well is located in a previously disturbed area and is in close proximity to the existing single-family residence on the property. All surrounding parcels are designated for agricultural or open space use.

Chronology:

| <u>Date</u> | <u>Action</u> |
|--------------------|---|
| September 30, 2020 | - Emergency CDP to drill replacement well approved. |
| July 7, 2021 | - Application for After -the-Fact CDP submitted. |
| August 6, 2021 | - Deemed complete. |
| November 10, 2021 | - Planning Commission public hearing. |

DISCUSSION

A. KEY ISSUES

Planning staff has reviewed this proposal and has concluded the following:

1. Conformity with the General Plan

Staff has reviewed and determined that the project complies with all applicable General Plan Policies, including the following:

a. Vegetative, Water, Fish, and Wildlife Resources

Policy 1.23 (*Regulate Development to Protect Vegetative, Water, Fish, and Wildlife Resources*) and Policy 1.27 (*Protect Fish and Wildlife Resources*) seek to regulate land uses and development activities to prevent and/or mitigate to the extent possible, significant adverse impacts on vegetative, water, fish, and wildlife resources.

No tree or riparian vegetation removal is necessary to accommodate the after-the-fact domestic well, as it is already developed with a single-family residence and lacks native vegetation. The after-the-fact

domestic well is located outside of vegetated habitat; therefore, the proposed legalization of the domestic well is not anticipated to have any impacts on vegetative, water, fish, and wildlife resources.

b. Rural Land Use Policies

Policy 9.23 (*Land Use Compatibility in Rural Lands*) encourages compatibility of land uses in order to promote the health, safety, and economy and to maintain the scenic and harmonious nature of rural lands.

The subject parcel has a General Plan land use designation of “open space”. The replacement domestic well is located in a previously disturbed area of the subject parcel. For these reasons, it will cause no further disturbance to the parcel.

c. Water Supply Policies

Policy 10.15 (*Water Suppliers in Rural Areas*) indicates that water systems and wells are appropriate methods of water supply in rural areas. Policy 10.19 (*Domestic Water Supply*) encourages the use of wells or springs rather than surface water for domestic water supplies to serve new development.

The single-family residence on the subject parcel is served by an after-the-fact domestic well approved under Emergency Coastal Development Permit No. PLN2020-00316, which the Department of Planning and Building approved on September 30, 2020.

2. Compliance with Local Coastal Program (LCP) Policies

The project complies with the following applicable LCP policies:

a. Sensitive Habitats Policies

Policy 7.1 (*Protection of Sensitive Habitats*) prohibits any land use or development that would have a significant adverse impact on sensitive habitat areas.

According to the County Geographic Information System (GIS) database, the project is not within and near any sensitive habitats. No tree or riparian vegetation has been removed to accommodate the after-the-fact domestic well, as the well is established in a previously disturbed area. For these reasons, the after-the-fact domestic well is not anticipated to have any impacts on any sensitive habitats.

b. Riparian Corridors Vegetation Policy

Policy 7.11 (*Establishment of Buffer Zones*) requires a riparian buffer zone be established 50 feet outward for perennial streams or 30 feet outward for intermittent streams from the “limit of riparian vegetation”.

The domestic well is located within a previously disturbed area which is approximately 1,550 feet from the riparian corridor of the nearest watercourse (Arroyo Leon Creek). For this reason, staff does not anticipate any impacts on the riparian zone of the creek.

3. Compliance with San Mateo County Zoning Regulations

The project complies with the following applicable Zoning regulation:

a. Use Permitted in Resource Management-Coastal Zone

Permitted Uses in Section 6905 (*Uses Permitted*) indicates that single-family residential is a permitted use in the Resource Management-Coastal Zone District.

The existing single-family residence was constructed in 1986 with necessary planning and building permits. For this reason, the establishment of the after-the-fact domestic well is necessary and reasonable as it serves the existing legal residence.

B. ENVIRONMENTAL REVIEW

The legalization of the after-the-fact domestic well is categorically exempt under the CEQA Guidelines, Section 15303 for construction and conversion of new small structures. The domestic well is a small new structure within an existing developed area and is an accessory to the existing residential use.

C. REVIEWING AGENCIES

Building Inspection Section
Environmental Health Services
Current Planning Section

ATTACHMENTS

- A. Conditions of Approval
- B. Vicinity Map
- C. Project Plans

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County of San Mateo - Planning and Building Department

ATTACHMENT A

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2021-00231

Hearing Date: TBA

Prepared By: Glen Jia, Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the proposed project is categorically exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act Guidelines relating to the construction and conversion of new small structures.

Regarding the Coastal Development Permit, Find:

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 of the Zoning Regulations, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as described in this staff report.
3. That the project conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program for the reasons detailed in the staff report, specifically in regard to the sensitive habitats and riparian corridors vegetation components. Fully legalizing the existing structures through this application will not negatively impact coastal or agricultural resources.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval only applies to the proposal, documents, and plans described in this report and submitted to the Planning Commission on November 10, 2021. Minor modifications to the project may be approved by the Community Development Director if they are consistent with the intent of, and in substantial conformance with this approval.

2. This permit shall be valid for one year from the date of approval, 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 at least sixty days prior to expiration.
3. This permit does not allow for the removal of any trees. Removal of any trees with a diameter equal to or greater than twelve inches as measured 4.5 feet above the ground shall require a separate tree removal permit.⁴
4. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section and the Environmental Health Services Division.

Building Inspection Section

5. A building permit shall be issued for any required electrical works, such as well pumps. The Building Inspection Section shall be notified if the subject application is denied or the applicant fails to obtain final approval from the Environmental Health Services.

Environmental Health Services

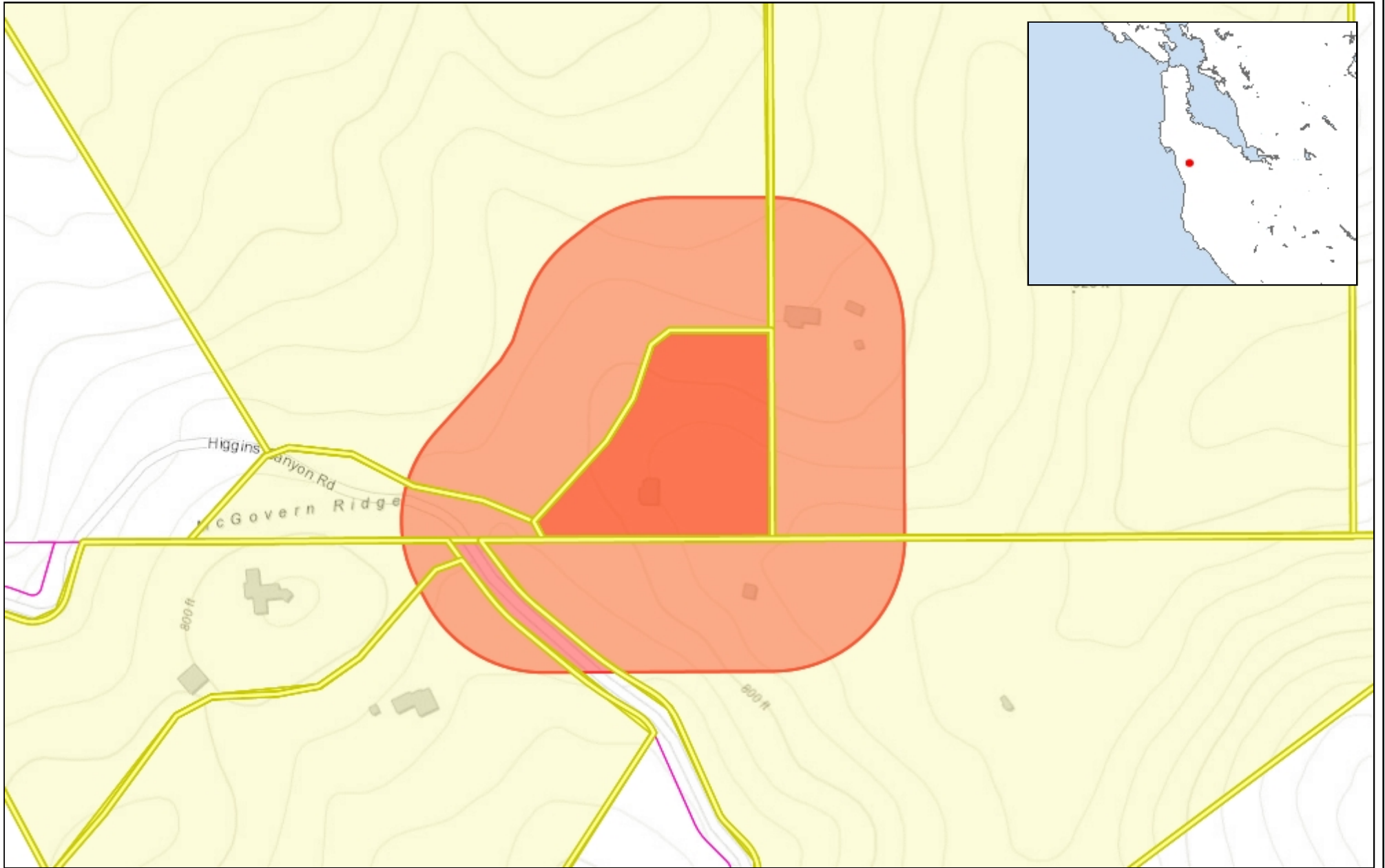
- 6 The applicant shall continue to work with Environmental Health Services to obtain a Well Drilling Permit.

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County of San Mateo - Planning and Building Department

ATTACHMENT B



0.14 0 0.07 0.14 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1:4,514



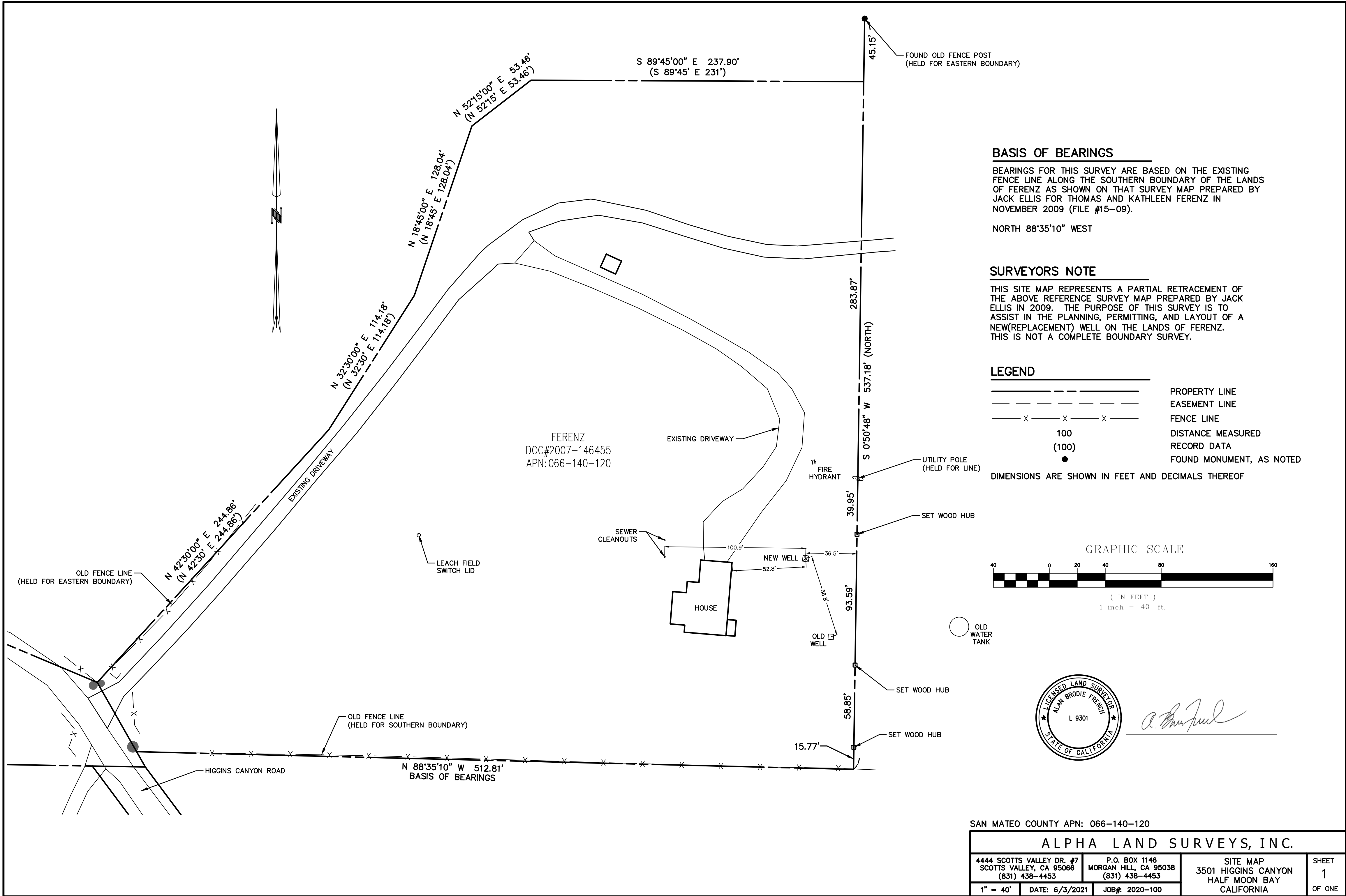
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



County of San Mateo - Planning and Building Department

ATTACHMENT C



BASIS OF BEARINGS

BEARINGS FOR THIS SURVEY ARE BASED ON THE EXISTING FENCE LINE ALONG THE SOUTHERN BOUNDARY OF THE LANDS OF FERENZ AS SHOWN ON THAT SURVEY MAP PREPARED BY JACK ELLIS FOR THOMAS AND KATHLEEN FERENZ IN NOVEMBER 2009 (FILE #15-09).

NORTH 88°35'10" WEST

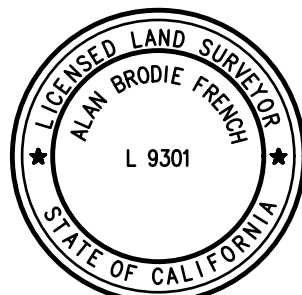
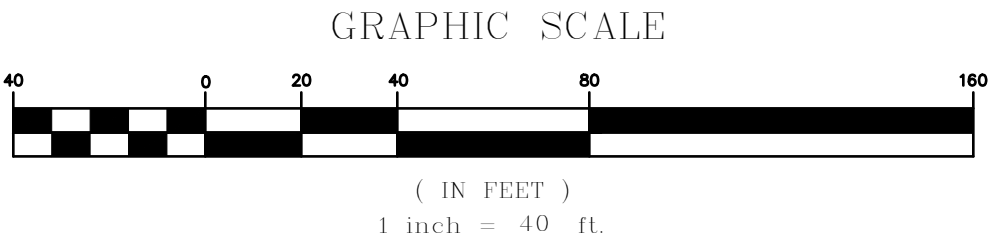
SURVEYORS NOTE

THIS SITE MAP REPRESENTS A PARTIAL RETRACEMENT OF THE ABOVE REFERENCE SURVEY MAP PREPARED BY JACK ELLIS IN 2009. THE PURPOSE OF THIS SURVEY IS TO ASSIST IN THE PLANNING, PERMITTING, AND LAYOUT OF A NEW(REPLACEMENT) WELL ON THE LANDS OF FERENZ. THIS IS NOT A COMPLETE BOUNDARY SURVEY.

LEGEND

- PROPERTY LINE
- - - - - EASEMENT LINE
- X — X — X — FENCE LINE
- 100 DISTANCE MEASURED
- (100) RECORD DATA
- FOUND MONUMENT, AS NOTED

DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF



Alan Brodie French

| | | | |
|--|--|--|----------------------|
| SAN MATEO COUNTY APN: 066-140-120 | | | |
| ALPHA LAND SURVEYS, INC. | | | |
| 4444 SCOTTS VALLEY DR. #7 SCOTTS VALLEY, CA 95066 (831) 438-4453 | P.O. BOX 1146 MORGAN HILL, CA 95038 (831) 438-4453 | SITE MAP 3501 HIGGINS CANYON HALF MOON BAY CALIFORNIA | SHEET 1 OF ONE |
| 1" = 40' | DATE: 6/3/2021 | JOB#: 2020-100 | |