

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

**DATE:** February 6, 2014

**TO:** Zoning Hearing Officer

**FROM:** Camille Leung, Project Planner, 650/363-1826

**SUBJECT:** Consideration of an Initial Study/Mitigated Negative Declaration, pursuant to the California Environmental Quality Act (CEQA), a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, and a Confined Animal Permit and a Grading Permit, pursuant to Sections 7700.3 and 8600 of the County Ordinance Code, for the construction of a new 9,430 sq. ft. barn for horse breeding, consolidation of two existing arenas totaling 48,865 sq. ft. to create a new 41,990 sq. ft. arena, and keeping of up to 21 horses, located in the unincorporated San Gregorio area of San Mateo County. The project involves 330 cubic yards of cut, 330 cubic yards of earth fill, and 1,555 cubic yards of sand fill and no tree removals. The project is appealable to the California Coastal Commission.

County File Number: PLN 2013-00234 (Burke/O'Sullivan)

**PROPOSAL**

The applicants, Kerry Burke of Burke Land Use, and Killian O'Sullivan of O'Sullivan Architecture, propose to construct a new 9,500 sq. ft. barn for horse breeding to replace an existing portable barn, consolidation/renovation of existing arenas (where two arenas totaling 48,865 sq. ft. will be consolidated into a new 41,990 sq. ft. arena), and keeping of up to 21 horses including 18 brooding mares and three (3) additional horses. The project involves 330 cubic yards (c.y.) of cut, 330 c.y. of earth fill, and 1,555 c.y. of sand fill, and up to 2 acres of land disturbance. The project also involves the construction of a bio-retention system along Pomponio Creek and a new leach field within an area of ruderal grassland. The project does not involve any tree removal.

**RECOMMENDATION**

That the Zoning Hearing Officer certify the Initial Study/Mitigated Negative Declaration and approve the Coastal Development Permit, Confined Animal Permit and Grading Permit, County File Number PLN 2013-00234, by making the required findings and adopting the conditions of approval listed in Attachment A.

## **BACKGROUND**

Report Prepared By: Camille Leung, Project Planner, Telephone 650/363-1826

Applicants:

Kerry L. Burke  
Burke Land Use  
34 Amesport Landing  
Half Moon Bay, CA 94019  
650/726-1738

Killian O'Sullivan  
O'Sullivan Architecture  
1505 Delores Street  
San Francisco, CA 94110  
415/577-8521

Owner: Pomponio Ranch, LLC

Location: 3300 Pomponio Creek Road, unincorporated San Gregorio Area of San Mateo County.

APN(s): 082-100-060

Size: Subject parcel is 219 acres of a larger 2,236-acre property

Existing Zoning: Planned Agricultural District/Coastal Development District (PAD/CD)

General Plan Designation: Agriculture

Existing Land Use: The Pomponio Ranch consists of a cattle ranch and horse breeding and training facility. Existing buildings, all located in an area along Pomponio Creek, include, but are not limited to, an existing portable barn, other barn structures, an abattoir, a garage structure, a ranch manager's house, various accessory structures, a farm labor housing unit which is under construction (BLD 2012-01626 / PLN 2011-00088), and two horse arenas. Other areas of the property are largely undeveloped and used for cattle grazing.

Water Supply: The ranch relies on water from a nearby reservoir and an existing domestic spring water system (surface water) at the property. New structures would be supported by the existing water supply system.

Sewage Disposal: Ranch operations rely on on-site septic system(s). The new barn would be supported by a new leach field within an area of ruderal grassland.

Flood Zone: The site is located in Zone X (area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level) and Zone A (Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage).

Environmental Evaluation: Initial Study and Mitigated Negative Declaration issued with a public review period from December 12, 2013 to January 19, 2014<sup>1</sup>.

Setting: The project site is located on a 2,236-acre property on Pomponio Creek Road (east of Stage Road). Pomponio Creek runs east-west and an associated tributary runs north-south through the developed area of the property. The Project Area is not located in a scenic corridor.

Chronology:

<u>Date</u>	<u>Action</u>
June 11, 2013	- Application submitted. Application is subsequently deemed incomplete with revisions necessary to the erosion and sediment control plan, grading plan, and drainage plan.
July 18, 2013	- Staff conducted a field inspection.
August 12, 2013	- The project was reviewed by the Agricultural Advisory Committee (AAC) at its regular meeting, where AAC recommended approval of the project.
August 19, 2013	- The project was reviewed by the Confined Animal Technical Advisory Committee (CATAC) at its regular meeting, where CATAC recommended approval of the project.
October 24, 2013	- Due to the introduction of a proposed bio-retention area along Pomponio Creek, staff requests the applicant(s) to submit a report from a biologist assessing project impact to the creek and adjoining areas.
December 4, 2013	- Applicant submits biologist report for areas of work in undisturbed areas along Pomponio Creek.
December 12, 2013	- Initial Study and Mitigated Negative Declaration issued with a 30-day public review period, starting from December 12, 2013 and ending on January 17, 2014. Subsequently, the comment period was extended by 2 days, in order to

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<sup>1</sup> Original comment period (December 12, 2013 – January 17, 2014) was extended by 2 days, in order to accommodate the State Clearinghouse comment period end date for the project of January 19, 2014.

accommodate the State Clearinghouse comment period end date for the project of January 19, 2014.

January 19, 2014 - End of Draft IS/MND 30-day public comment period.

February 6, 2014 - Zoning Hearing Officer public hearing.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Compliance with County's General Plan**

The County's General Plan designates the property for agricultural land uses. Currently, the property is used as a cattle ranch and horse breeding and training facility, whereby a majority of the land is used to grow oat hay, oat seed and barley. The project, as proposed and conditioned, conforms to all applicable General Plan policies, with specific discussion of the following policies:

#### *Chapter 1 - Vegetative, Water, Fish and Wildlife Resources Policies*

Policy 1.27 (*Regulate Development to Protect Sensitive Habitats*) directs the County to regulate land uses and development activities within and adjacent to sensitive habitats in order to protect critical vegetative, water, fish and wildlife resources; protect rare, endangered, and unique plants and animals from reduction in their range or degradation of their environment; and protect and maintain the biological productivity of important plant and animal habitats. As discussed in the Initial Study/Mitigated Negative Declaration (IS/MND) (Attachment G), and a biologist report prepared by WRA Environmental Consultants for the project, the proposed arena and barn are located in existing disturbed areas. However, the project includes two proposed linear installations, a bio-retention facility and a septic line (shown in Grading and Drainage Plans included as Attachment E) in undisturbed areas within the vicinity of Pomponio Creek. No sensitive biological communities were identified within the Project Area. No special-status plant or wildlife species have a moderate or high potential to occur within the Project Area. However, the Project Area is located in close proximity to a riparian corridor and contains marginal dispersal habitat for the California Red-Legged Frog (CRLF) and the San Francisco Garter Snake (SFGS). Mitigation measures of the IS/MND, including but not limited to requirements to minimize vegetation removal and location of erosion control measures outside of vegetated areas, reduce impacts to CRLF, SFGS and other biological resources, to a less than significant level and have been incorporated as Condition Nos. 12 through 15 of Attachment A.



Policy 1.30 (*Uses Permitted in Buffer Zones*) permits the following land uses and development activities within buffer zones adjacent to sensitive habitats: (1) land uses and activities which are compatible with the protection of sensitive habitats, such as fish and wildlife management activities, nature education and research, trails and scenic overlooks, and at a minimum level, necessary public and private infrastructure; (2) land uses which are compatible with the surrounding land uses and will mitigate their impact by enhancing or replacing sensitive habitats; and (3) if no feasible alternative exists, land uses which are compatible with the surrounding land uses. The proposed bio-retention facility would run parallel and adjacent to Pomponio Creek and would treat stormwater runoff to prevent polluted project-related discharge into the creek. Therefore, the bio-retention facility is compatible with the protection of sensitive habitats and with surrounding land uses.

#### *Chapter 2 – Soil Resources Policies*

Policy 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*) calls for the County to regulate excavation, grading, filling, and land clearing activities to protect against accelerated soil erosion and sedimentation. The project requires the issuance of a Grading Permit, as it involves 330 c.y. of cut, 330 c.y. of earth fill, and 1555 c.y. of sand fill, and up to 2 acres of land disturbance. As discussed in the IS/MND (Attachment G) prepared for the project, mitigation measures have been incorporated that require the applicant(s) to comply with an improved Erosion Control Plan, comply with State requirements to obtain coverage under the State General Construction Activity NPDES Permit, restrict project grading to dry days of the dry season, implement stormwater pollution prevention measures, and implement dust control during grading and construction.

#### *Chapter 9 – Rural Land Use Policies*

Policy 9.30 (*Development Standards to Minimize Land Use Conflicts with Agriculture*) calls for development to: (a) avoid to the greatest extent possible locating non-agricultural activities on soils with agricultural capability or lands in agricultural production, (b) locate non-agricultural activities in areas of agricultural parcels which cause the least disturbance to feasible agricultural activities, (c) buffer any non-agricultural activities from agricultural activities by means of distance, physical barriers or other non-disruptive methods, and (d) ensure that any extension of public services and facilities to serve non-agricultural activities will not impair feasible agricultural activities. As discussed in the IS/MND (Attachment G) prepared for the project, the California Department of Conservation has clarified that, in regard to the Williamson Act, the breeding and training of horses for commercial sale may be considered, by local agencies, in their local rules and contracts, to be “producing an agricultural commodity for commercial

purposes” pursuant to Government Code Section 51201, Subdivision (b). Therefore, the project, which includes 18 breeding horses, involves horse breeding and training, and does not involve the introduction of non-agricultural land uses. The property is also utilized for hay production and cattle grazing. While the project would result in the conversion of farmland (containing prime soils, which are mapped in areas of Pomponio Creek and an adjoining tributary), the area is small, adjoins development, and is located outside of the Peninsula Open Space Trust (POST) open space easement which protects most of the farm and grazing lands at the property.

## 2. Compliance with Local Coastal Program Policies

### *Chapter 1 - Locating and Planning New Development Component*

Policy 1.35 (*All New Land Use Development and Activities Shall Protect Coastal Water Quality Among Other Ways By*) calls for development to incorporate the following applicable Best Management Practices (BMPs):

- a. Implementation of appropriate site design and source control Best Management Practices (BMPs): Site design BMPs are land use or site planning practices that aim to prevent runoff pollution by reducing the potential soil erosion or contact of runoff with pollutants. Source control BMPs are structural or non-structural practices that minimize the contact between pollutants and runoff. Condition No. 6 requires implementation of source control BMPs relating to trash storage areas and pesticides. Condition No. 15 prohibits untreated project drainage to be directed to the riparian corridor or the creek or areas directly connected to the riparian corridor or the creek and requires the septic line and leach field to be located a minimum of 200 feet from creek and riparian areas. Condition No. 23 requires the applicant(s) to implement erosion control measures during project grading.
  
- b.-e. Projects that drain directly to a sensitive habitat shall implement post-construction structural treatment Best Management Practices (BMPs), practices designed to remove pollutants and/or solids from polluted stormwater runoff. The Local Coastal Program (LCP) encourages the use of multi-benefit, natural feature, stormwater treatment systems, such as landscape-based bio-retention systems and bioswales, where feasible. As project impervious surface exceeds 10,000 sq. ft., the applicant has incorporated post-construction structural treatment BMPs, specifically a bio-retention facility, meeting the specifications of the municipal permit provisions into the project. The facility would run parallel and adjacent to Pomponio Creek and would treat stormwater run-off to prevent polluted project-related discharge into the creek.

- f. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and, where feasible, maximizing on-site infiltration of runoff: The project would reduce impervious surface (including earth compacted to 90% or more), by consolidating two existing arenas totaling 48,865 sq. ft. into a new 41,990 sq. ft. arena. The proposed bio-retention facility would allow for on-site infiltration and treatment of runoff.
- g. Preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones: Condition No. 12 requires the applicant(s) to preserve existing vegetation whenever feasible. Condition No. 9 requires the applicant(s) to replant vegetated areas of the riparian corridor that are disturbed by project implementation with native plants, to be selected and planted in consultation with a biologist.

#### *Chapter 5 - Agriculture Component*

The Pomponio Ranch consists of a cattle ranch and horse breeding and training facility. The project parcels contain prime soils in the areas along Pomponio Creek and the associated tributary, including areas of the proposed arena and barn and existing structures. A Peninsula Open Space Trust (POST) conservation easement covers a majority of the undeveloped areas of the 2,236-acre property, which are generally used to grow oat hay, oat seed and barley.

Policy 5.5 (*Permitted Uses on Prime Agricultural Lands Designated as Agriculture*) permits agricultural and agriculturally-related development on prime agricultural lands.

Policy 5.8 (*Conversion of Prime Agricultural Land Designated as Agriculture*) prohibits conversion of prime agricultural land within a parcel to a conditionally permitted use unless it can be demonstrated that: (1) no alternative site exists for the use, (2) clearly defined buffer areas are provided between agricultural and non-agricultural uses, (3) the productivity of any adjacent agricultural land will not be diminished, and (4) public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality. As discussed in detail in Section A.6 of this report, the horse breeding and associated arena use are considered agriculture, which is a permitted use. No non-agricultural or conditionally permitted uses are involved. While the proposed barn and arena would be located on prime soils, construction would occur in the footprint of existing arenas, areas that are already largely disturbed or developed. The barn construction will result in the permanent loss of prime soils in its footprint, and arena construction

would result in a temporary loss of prime soils in its footprint. The proposed locations of the new arena and barn are the only areas suitable for proposed development, based on the applicants' desire to locate the project in a flat location that is outside of the POST conservation easement, as shown in Attachment F. Most of the flat, developed areas of the parcel are characterized by prime soils (see Attachment C). The project, including associated utilities, are located within, or adjacent to, already developed areas, minimize new areas of land disturbance, and are located outside of the POST open space easement. As no alternative site exists for the proposed use, the project complies with this policy.

Policy 5.20 (*Agricultural Management Practices*) directs the County to: (a) encourage proper soil conservation techniques and proper grazing methods; (b) encourage the development of conservation plans on a watershed-by-watershed basis with the Soil Conservation Service; and (c) require that compost, processing wastewater, and other by-products of agricultural activities be properly disposed of on land or through suitable sewage disposal systems, if available, and prohibit disposal in perennial or intermittent streams or sensitive habitats. Pomponio Ranch is subject to a POST open space easement over a majority of the undeveloped areas of the property. The project involves a manure management plan and a new septic system for the proper handling of sewage. Condition No. 11 encourages Pomponio Ranch to work with or continue to work with the Resource Conservation District (RCD) to review existing soil conservation techniques and grazing methods and to utilize best management practices.

#### *Chapter 7 - Sensitive Habitats Component*

Policy 7.11 (*Establishment of Buffer Zones*) establishes buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams, on both sides of riparian corridors, from the "limit of riparian vegetation." As discussed in the IS/MND (Attachment G), the Project Area is adjacent to a riparian corridor which is an Environmentally Sensitive Habitat Area (ESHA) under the Local Coastal Program (LCP). The project is sited within the vicinity of Pomponio Creek (a perennial creek that runs east-west) and an associated tributary (an intermittent stream that runs north-south). As proposed, the barn (located 88 feet from the limit of riparian vegetation) and fire turnaround (located 50 feet from the limit of riparian vegetation) are located outside of the 50-foot required buffer zone for perennial creeks. However, the bio-retention facility would be located within this buffer zone. As discussed in reference to Policies 7.12 and 7.13, below, the bio-retention facility is permitted within the buffer zone, as the facility supports agricultural use and no feasible alternative exists. The new arena would be located 33 feet from the limit of riparian vegetation associated with the intermittent stream. Therefore, the project complies with buffer zones established by this policy.

Policy 7.12 (*Permitted Uses in Buffer Zones*) permits only the following uses within buffer zones: (1) uses permitted in riparian corridors, including agricultural uses, provided no existing riparian vegetation is removed and no soil is allowed to enter stream channels; (2) residential uses subject to restrictions; (3) on parcels designated on the Local Coastal Program (LCP) Land Use Plan Map: Agriculture, Open Space, or Timber Production, residential structures or impervious surfaces only if no feasible alternative exists; (4) crop growing and grazing consistent with Policy 7.9; (5) timbering in “streamside corridors,” subject to restrictions; and (6) no new residential parcels shall be created whose only building site is in the buffer area. The new bio-retention facility would be located within the 50-foot required buffer zone for perennial streams. As proposed and conditioned, the facility’s construction and operation would not involve sedimentation into the creek or any vegetation removal in the riparian corridor and minimal to no removal of vegetation in the 50-foot buffer zone, in compliance with Policy 7.13 below. Because no feasible alternative exists and the bio-retention facility supports agricultural use, the facility is permitted to occur within the buffer zone.

Policy 7.13 (*Performance Standards in Buffer Zones*) requires uses permitted in buffer zones to: (1) minimize removal of vegetation; (2) conform to natural topography to minimize erosion potential; (3) make provisions (i.e., catch basins) to keep runoff and sedimentation from exceeding pre-development levels; (4) replant where appropriate with native and noninvasive exotics; (5) prevent discharge of toxic substances, such as fertilizers and pesticides; into the riparian corridor; (6) remove vegetation in or adjacent to man-made agricultural ponds if the life of the pond is endangered; (7) allow dredging in or adjacent to man-made ponds if the San Mateo County Resource Conservation District certified that siltation imperils continued use of the pond for agricultural water storage and supply; and (8) limit the sound emitted from motorized machinery to be kept to less than 45-dBA at any riparian buffer zone boundary except for farm machinery and motorboats. The proposed bio-retention facility would run parallel and adjacent to Pomponio Creek and would treat stormwater runoff to prevent polluted project-related discharge into the creek. Condition No. 6 requires implementation of source control BMPs relating to trash storage areas and pesticides. Condition No. 9 requires the applicant(s) to replant vegetated areas of the riparian corridor that are disturbed by project implementation with native plants, to be selected and planted in consultation with a biologist. Applicable sections of this policy have been incorporated as Condition No. 10 in Attachment A, to require project compliance with this policy for the life of the project.

## *Chapter 8 – Visual Resources Component*

Policy 8.5 (*Location of Development*) requires on rural lands and urban parcels larger than 20,000 sq. ft., that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; (2) is least likely to significantly impact views from public viewpoints; and (3) is consistent with all other LCP requirements and best preserves the visual and open space qualities of the parcel overall. Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal access ways, and beaches. The policy states that this provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development. The proposed development is not adjacent to a designated Scenic Highway or within a State or County Scenic Corridor. The new barn would replace an existing portable barn in generally the same area, would be clustered with existing development, would be located outside of the POST open space easement, and, therefore, would preserve the visual and open space qualities of the parcel overall. Colors proposed for the barn are natural earth tones, including greens, tans, browns or beige colors. The arena consolidation project would also result in minimal changes to the existing visual character and quality of the site and its surroundings. While the project does involve significant grading, excavation would take place mostly in existing arena areas and also involves the importation of sand, resulting in little change to the existing topography. Grading does not involve harsh cutting or terracing practices and, as proposed, new contours would blend with existing contours in the project vicinity. As proposed and conditioned, the project complies with this policy.

### 3. Compliance with Planned Agricultural District (PAD) Regulations

The project parcels contain prime soils in the areas along Pomponio Creek and the associated tributary, including the area of the proposed arena and barn as well existing developed areas. The horse breeding use, as described above in regard to LCP Policy 5.5, and in detail in Section A.6 below, is considered an agricultural use and is permitted on lands designated as Prime Agricultural Lands. The continuation and expansion of this use is permitted and does not require a PAD permit.

#### a. Review by the Agricultural Advisory Committee (AAC)

On August 12, 2013, the project was reviewed by the Agricultural Advisory Committee (AAC) at its regular meeting, where AAC recommended approval of the project as proposed.

4. Compliance with Grading Regulations

The project involves 330 cubic yards (c.y.) of cut, 330 c.y. of earth fill, and 1,555 c.y. of sand fill for the consolidation of two existing arenas into a single 41,990 sq. ft. arena. In order to approve this project, the Zoning Hearing Officer must make the required findings contained in the County Grading Regulations. The findings and supporting evidence are outlined below:

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

If all mitigation measures of the IS/MND are implemented, there would not be a significant adverse effect on the environment. Mitigation measures in the IS/MND have been incorporated into this report as Condition Nos. 12 through 30 in Attachment A. For a detailed discussion of potential environmental impacts associated with the project, including impacts in the areas of biological resources, cultural resources, geology/soils, climate change, hazards and hazardous materials, hydrology/water quality, transportation/traffic, and utilities/service systems, please reference the IS/MND in Attachment G.

**b. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 8605.**

The project, as conditioned, conforms to the standards in the Grading Regulations, including timing of grading activity, erosion and sediment control, and dust control. Condition No. 25 prohibits grading in the wet season (October 1 to April 30) or during any rain event. Condition Nos. 23 and 26 require implementation of erosion control measures. Condition No. 28 requires implementation of dust control measures.

The project has been reviewed by the County's Department of Public Works and the Planning and Building Department's Geotechnical Engineer. The County's Department of Public Works and the Planning and Building Department's Geotechnical Engineer believe the project can be completed without significant harm to the environment. Planning staff has added Condition No. 47 requiring the project's geotechnical consultant to observe grading and improvements at the site.

**c. That the project is consistent with the General Plan.**

The County's General Plan land use designation for the property is Agriculture. As proposed and conditioned, the project complies with

applicable General Plan policies, as discussed in Section A.1 of this report above.

Based on the foregoing, staff has determined that the project, as proposed and conditioned, conforms to the criteria for review contained in the Grading Regulations.

5. Compliance with Confined Animal Regulations

Section 7700.3 of the County Ordinance Code requires that a confined animal permit be obtained for the keeping of more than five horses in the rural area on land designated for Agriculture to ensure the proper and responsible care of confined animals, to protect public health and safety, and to prevent impacts to significant environmental resources. Section 7700.4 (*Criteria and Standards*) allows for one animal on every 1/2 gross-acre for up to ten animals, and one animal per every 1/4 net-acre for ten or more animals.

The applicants propose to remove the existing portable barn and three existing horse pens constructed along Pomponio Creek. The project involves the construction of a new 9,430 sq. ft. barn for horse breeding, including 18 brooding mares and three additional horses. For the 219-acre parcel, 21 confined animals are allowed per Section 7700.4. The arena and horse barn are properly enclosed and meet the fencing requirements of Section 7700.4(5).

The applicants have submitted a Manure Management Plan and propose an automated manure removal system within the new barn, where manure will be delivered to the rear of the barn, and where a truck will remove the manure. The manure will be spread across the 2,200-acre ranch as fertilizer in areas outside of riparian corridors.

The following table illustrates that the confined animal structure (the proposed horse barn) complies with all the required development standards.

<b>DEVELOPMENT STANDARD</b>	<b>ALLOWED</b>	<b>EXISTING</b>
Minimum Parcel Size	1 gross-acre	219 acres
Minimum Distance Between Horse Barn and Neighboring House	80 feet	720+ feet to nearest property line
Minimum Distance Between Horse Barn and Nearest Residence (Farm Labor Housing) on the Same Parcel	30 feet	350+ feet



DEVELOPMENT STANDARD	ALLOWED	EXISTING
Distance of Barn Structure from Riparian Vegetation (Creek)	50 feet	88+ feet
Minimum Setback from Front Property Line	50 feet	>1,000 feet
Minimum Setback from Side and Rear Property Lines	30 feet	Rear 5,000+ feet Right Side 1,000+ feet Left Side 720+ feet

a. Compliance with Environmental Health Division Requirements

The Confined Animal Regulations establish drainage and maintenance requirements to prevent the creation any public health nuisance. The County Environmental Health Division has reviewed this project and recommends approval. During scheduled administrative reviews for the Confined Animal Permit, the Environmental Health Division will conduct inspections to ensure continued compliance.

b. Confined Animal Technical Advisory Committee (CATAC)

The CATAC reviewed this application to ensure compliance with the Confined Animal Ordinance. At its August 19, 2013 meeting, CATAC unanimously recommended approval of the application.

c. Findings

In order to grant a Confined Animal Permit, the decision-making authority is required to make the following findings:

- (1) *That the keeping of confined animals will not create a nuisance or be detrimental to human or animal health, safety or welfare.*

The property owner has kept up to 21 horses on this property for many years, with no complaints or problems. The proposed facilities (horse barn, arena) comply with all applicable County regulations for confined animals, including, but not limited to, minimum setbacks, adequate on-site manure management and drainage/runoff control. Though not required, a caretaker resides on-site to manage agricultural activities on the property, including the care of the horses.

- (2) *That the keeping of confined animals will not degrade sensitive habitats and waterways, or increase soil erosion.*

The proposed horse barn and arena are separated from Pomponio Creek by 88'-10" and 103'-10" respectively, and are across an existing ranch road from any vegetation associated with Pomponio Creek. As proposed, untreated project drainage to the creek will be minimal to none. Project runoff from the barn will run through downspouts to a buried pipe detention system. Overflow from this will flow through a swale to the creek. The arena will be nearly level and covered with 6 inches of loose sand. Runoff from the arena (which will be very minimal, if there is any at all) will go to swales that surround the arena.

- (3) *That the keeping of confined animals complies with all applicable requirements of the Zoning Regulations, including this chapter.*

As proposed and conditioned, the project complies with all applicable requirements of the Zoning Regulations, as described further in Section A.3 of this report. As described in this Section, the project also complies with all requirements of the Confined Animal Regulations, including minimum area required, setbacks, fencing, drainage and facility management.

Based on the foregoing, staff has determined that the project, as proposed and conditioned, conforms to the criteria for review contained in the Confined Animal Regulations.

6. Compliance with the Williamson Act

The property is under a Williamson Act Contract (AP66-38) entered into by Carver Ranch in 1966. The contract limits the uses of the property to the production of agricultural commodities for commercial purposes. The contract states that "no structures shall be erected upon said land except such structures as may be directly related to and compatible with agricultural uses, and residence buildings for such individuals as may be engaged in the management of said land, and their families." The existing horse breeding use at the property, including use of the barn and arena, is considered an agricultural use. The California Department of Conservation has clarified that, in regard to the Williamson Act, the breeding and training of horses for commercial sale may be considered, by local agencies, in their local rules and contracts, to be "producing an agricultural commodity for commercial purposes" pursuant to Government Code Section 51201, Subdivision (b). The property is also largely utilized for hay production and cattle grazing.

B. ENVIRONMENTAL REVIEW

Per Section 15303 (*New Construction or Conversion of Small Structures*) of the California Environmental Quality Act (CEQA) Guidelines, the project is not exempt due to the project's location near Pomponio Creek and the associated riparian corridor. The preparation of an Initial Study/Negative Declaration (IS/MND) is required. The IS/MND was issued with a 30-day public review period, starting from December 12, 2013 and ending on January 17, 2014. Subsequently, the comment period was extended by two days, in order to accommodate the State Clearinghouse comment period end date for the project of January 19, 2014. No comments were received.

*Potential Cumulative Impacts*

The Answer to Question 18.b in the IS/MND discussed that the project impacts to wildlife and the riparian corridor are not likely to be compounded with impacts related to on-going construction of the farm labor housing unit at the property (BLD 2012-01626/PLN 2011-00088), as the projects would be separated by approximately four months. The IS/MND stated that the construction of the two-bedroom, two-bath farm labor housing unit will likely be completed by January 2014. On December 18, 2013, Planning staff spoke with Chris Giannini, Ranch Manager, who stated that construction is not anticipated to be complete until March 2014. In order to minimize potential cumulative impacts and to bring the projects into consistency with the IS/MND, planning staff has added Condition No. 5 to prohibit land disturbing activities associated with either of the two projects between January 2014 and April 30, 2014 (earliest project construction start date is May 1, 2014, per Condition No. 25). At this time, there are no other pending permit applications.

C. REVIEWING AGENCIES

Agricultural Advisory Committee  
Cal-Fire  
California Coastal Commission  
Confined Animal Technical Advisory Committee (CATAC)  
County Building Inspection Section  
County Department of Public Works  
County Environmental Health Division  
County Planning and Building Department's Geotechnical Section  
Peninsula Open Space District (POST)  
Pescadero Municipal Advisory Committee

## **ATTACHMENTS**

- A. Vicinity Map of Project Parcel
- B. Map Showing Prime Soils and Topography
- C. Map Showing Project Site Plan Overlay and Prime Soils
- D. Architectural Plans
- E. Grading, Drainage, and Erosion Control Plans
- F. POST Conservation Easement and Map
- G. Initial Study/Mitigated Negative Declaration, dated December 12, 2013.

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2013-00234      Hearing Date: February 6, 2014

Prepared By: Camille Leung, Planner      For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

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. An Initial Study was completed and a Mitigated Negative Declaration issued in conformance with CEQA Guidelines. The public review period for this document was December 12, 2013 to January 19, 2014.
2. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, 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. For impacts identified in the Initial Study/Mitigated Negative Declaration as “significant unless mitigated,” the applicant(s) have concurred to the implementation of mitigation measures which, when implemented, ensure that impacts are not significant. The Initial Study/Mitigated Negative Declaration does not identify any significant or cumulative impacts associated with this project, as proposed and mitigated.
3. 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 into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6. A Mitigation Monitoring and Reporting Plan is not necessary as proposed mitigation measures are included as Condition Nos. 12 through 30 in the project conditions of approval.
4. That the Mitigated Negative Declaration reflects the independent judgment of the County.

Regarding the Coastal Development Permit, Find:

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. The project complies with applicable policies of the Locating and Planning New Development Component, Agriculture Component, and Sensitive Habitats Component of the Local Coastal Program. Specifically, while the new arena and bio-retention facility would be located within the 50-foot required buffer zone for perennial streams, the new arena would be located approximately 30 feet from the top of the creek bank, would maintain the same setback as the existing arena, and, as proposed and conditioned, would not involve any vegetation removal or sedimentation into the creek. The bio-retention facility is adjacent to the riparian corridor. However, because no feasible alternative exists and the arena and bio-retention facility support agricultural use, these facilities are permitted to occur within the buffer zone.
6. That the project is not located between the nearest public road and the sea, or the shoreline of the Pescadero Marsh. Therefore, public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) are not applicable to this project.
7. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program. The project complies with the required findings as listed above, and discussed in detail in the Staff Report dated February 6, 2014.

Regarding Confined Animal Permit, Find:

8. That the keeping of confined animals will not create a nuisance or be detrimental to human or animal health, safety or welfare. The project complies with the applicable requirements of the Confined Animal Regulations, including minimum area required and the implementation of a manure management plan.
9. That the keeping of confined animals will not degrade sensitive habitats and waterways, or increase soil erosion. After reviewing the Initial Study/Mitigated Negative Declaration as required by CEQA, staff found that, with the implementation of all mitigation measures, there would not be a significant adverse effect on the environment. All recommended mitigation measures in the Mitigated Negative Declaration have been incorporated as conditions of approval below.
10. That the keeping of confined animals complies with all applicable requirements of the Zoning Regulations, including this Chapter. The project complies with the applicable requirements of the Zoning Regulations requirements, including the

Confined Animal Regulations, including minimum area required, setbacks, fencing, drainage and facility management.

Regarding Grading Permit, Find:

11. That the granting of the permit will not have a significant adverse effect on the environment. After reviewing the Initial Study/Mitigated Negative Declaration as required by CEQA, staff found that, with the implementation of all mitigation measures, there would not be a significant adverse effect on the environment. All recommended mitigation measures in the Mitigated Negative Declaration have been incorporated as conditions of approval below.
12. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 8605. The project, as proposed and conditioned, conforms to the standards in the Grading Regulations, including timing of grading activity, erosion and sediment control, and dust control. The project has been reviewed and approved by the County's Department of Public Works and the Planning and Building Department's Geotechnical Engineer.
13. That the project is consistent with the General Plan. The project, as proposed and conditioned, conforms to all applicable General Plan policies, including applicable Vegetative, Water, Fish and Wildlife Resources Policies, Soil Resources Policies, and Rural Land Use Policies.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Zoning Hearing Officer on February 6, 2014. Minor revisions or modifications to this project may be made subject to the review and approval of the Community Development Director.
2. The Coastal Development Permit and Grading Permit shall be valid for one year from the date of this approval. An extension to this permit will be considered upon written request and payment of applicable permit extension fees sixty (60) days prior to expiration.
3. The applicant(s) shall pay an environmental filing fee of \$2,181.25, as required under Fish and Wildlife Code Section 711.4(d), plus a \$50.00 County Recorder filing fee to the San Mateo County Clerk within four (4) working days of the final approval date of the Coastal Development Permit.

4. Prior to the Current Planning Section's issuance of the grading permit "hard card":
  - a. The applicant(s) shall verify with applicable agencies if additional permits are required to work along existing streams.
  - b. The applicant(s) shall have been issued a valid building permit.
  - c. The applicant shall submit a revised site plan showing the "limit of riparian vegetation" for both Pomponio Creek (a perennial creek) and its tributary (an intermittent stream), consistent with the biologist report prepared by WRA Environmental Consultants, dated November 2013. The site plan shall confirm the type of each stream and demonstrate compliance with required buffer zones for structures (e.g., barn) and site work (e.g., arena, fire turnaround), with the exception of the bio-retention facility.
5. In order to minimize cumulative impacts, no land disturbing activities associated with this project and the farm labor housing unit (BLD 2012-01626 / PLN 2011-00088) are permitted between January 1, 2014 and April 30, 2014 (where earliest project construction start date is May 1, 2014, per Condition No. 25). Specifically, there shall be no trenching, materials storage, or any other disturbance within the riparian corridor or buffer zone of Pomponio Creek or associated tributaries during this period of time.
6. Prior to the Current Planning Section's approval of the building permit for the barn, the applicant(s) shall demonstrate compliance with the following source control measures:
  - a. Trash storage areas (including recycling or food compactor areas or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Covered areas shall be sloped to drain to area drains connected to the septic system, subject to the standards of the Environmental Health Division.
  - b. In order to minimize the application of pesticides and fertilizers at the project site, the property owner shall use all native landscaping.
7. The site is a Stormwater Regulated Site (SWRS). Monthly inspections by the Building Inspection Section during the wet season (October 1 through April 30) are required. Unless a shorter time frame is set by the inspector, any requested corrections shall be completed before the next rain event but no later than ten (10) business days.
8. Prior to the Current Planning Section's final approval of the building permit for the barn, the applicant(s) shall demonstrate compliance with the Confined Animal Regulations including, but not limited to, the following requirements:



- a. The property owner shall implement the approved Manure Management Plan, which includes an automated manure removal system within the new barn, where manure will be delivered to the rear of the barn, and where a truck will remove the manure. The manure will be spread across the 2,200-acre ranch as fertilizer in areas outside of riparian corridors. The property owner shall implement the approved Manure Management Plan and any necessary modifications to improve stormwater quality, for the life of the project.
  - b. This facility is permitted for a maximum of 21 horses (which must include 18 brooding mares), and shall comply with all the applicable requirements of Section 7700.4 of the County Confined Animals Ordinance, including requirements for fencing, drainage and facility management.
  - c. This Confined Animal Permit shall expire six (6) years after the date of approval or February 6, 2020. At expiration, the permit shall automatically renew for an additional six (6) years, providing that the confined animal operation continues to conform with the terms of said permit.
  - d. An administrative review will be conducted every three (3) years (February 6, 2017, etc.). The applicant shall apply for administrative review and pay the applicable fees within six (6) months of this date. Such review shall involve (a) Planning staff inspecting the site for zoning compliance, and (b) Environmental Health staff inspecting the site for manure management and drainage compliance.
  - e. If at any time the confined animal operation is found not to comply with the approved permit, the operator will be given a thirty (30) day period to comply with the terms of the permit, or apply for a permit amendment and pay applicable fees.
9. Prior to the Current Planning Section's final approval of the building permit for the barn, the applicant(s) shall provide evidence that the 3 horse stalls along Pomponio Creek have been removed. The applicant(s) shall vegetate disturbed areas and replant vegetated areas of the riparian corridor that are disturbed by project implementation with native plants, to be selected and planted in consultation with a biologist.
  10. For the life of the project, the property owner shall ensure that all uses taking place within the 50-foot buffer zone of Pomponio Creek shall comply with LCP Policy 7.13 (*Performance Standards in Buffer Zones*), as applicable to this project, including: (1) minimizing removal of vegetation; (2) conforming to natural topography to minimize erosion potential; (3) making provisions (i.e., catch basins) to keep runoff and sedimentation from exceeding pre-development levels; (4) replanting with native and noninvasive exotics; (5) preventing discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor; and

(6) limiting the sound emitted from motorized machinery to be kept to less than 45-dBA at any riparian buffer zone boundary except for farm machinery. At no time shall storage be allowed within the buffer zone.

11. Pomponio Ranch shall work with or continue to work with the Resource Conservation District (RCD) to review existing soil conservation techniques and grazing methods and to utilize best management practices.

Mitigation Measures 1 through 19 from the Initial Study/Mitigated Negative Declaration, Made Available on December 12, 2013, are included as Condition Nos. 12 through 30:

12. **Mitigation Measure 1:** The applicant shall implement the following erosion control best management practices, as recommended by the project biologist, during all land disturbing and construction activities to protect water quality in Pomponio Creek:
  - a. No erosion or sediment control measures will be placed in vegetated areas.
  - b. Limit the area of soil disturbance to the amount of acreage that can be protected prior to a forecasted rain event and to the minimum area needed to complete the proposed action.
  - c. Preserve existing vegetation whenever feasible.
13. **Mitigation Measure 2:** The applicant shall implement the following avoidance and minimization measures to prevent impacts to both the CRLF and SFGS:
  - a. Wildlife exclusion fencing should be erected and maintained between the stormwater protection swale and the riparian habitat to prevent the CRLF and SFGS from dispersing onto the site. Fencing is not required around the proposed septic line area due to the distance from suitable habitat and lack of cover. Once the fencing is installed and within 48 hours of the start of ground-disturbing activities, a qualified biologist will perform a pre-construction survey of the Project Area to ensure that no CRLF or SFGS individuals are present. Fencing should extend a minimum of 36 inches above ground level and be buried 4 inches to 6 inches below ground. Upon completion of the Project, all fencing material will be removed from the site and disposed of properly.
  - b. Pre-construction surveys should be performed immediately prior to the start of any groundbreaking activities by a qualified biologist as stated above. If the CRLF or SFGS are found within the Project Area, all work will cease until the individual(s) have been allowed to leave the Project Area on their own and the fence has been repaired. If the CRLF or SFGS individual(s) cannot passively leave the Project Area, work will cease and the USFWS will be contacted to determine the appropriate course of action.

- c. Tightly woven fiber netting or similar material should be used for erosion control or other purposes at the Project to ensure that the CRLF and SFGS do not get trapped. This limitation should be communicated to the contractor. Plastic mono-filament netting (erosion control matting), rolled erosion control products or similar material should not be used because the CRLF, SFGS, and other species may become entangled or trapped in it.
  - d. Because dusk and dawn are often the times when the CRLF are most active and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour before sunrise. Furthermore, no work shall occur during rain events when either species is likely dispersing.
14. **Mitigation Measure 3:** The applicant shall implement the following recommendations to minimize project impacts to special-status bird species and native bird species:
- a. If work is to be conducted within 100 feet of the riparian corridor during the nesting season (February 15 through August 31), a pre-construction breeding bird survey should be performed no more than 14 days prior to initial ground-disturbance to avoid impacting active nests, eggs, and/or young.
  - b. If the survey identifies any active nest, an exclusion buffer should be established for protection of the nest and young. Buffer distance will vary based on species and conditions at the site, but typically ranges between 25 feet and up to 600 feet. The biologist shall establish an appropriate buffer if necessary; the buffer should be maintained until all young have fledged. Impacts to nesting birds can be avoided if potential activities are initiated outside of the nesting season (September 1 through January 31).
15. **Mitigation Measure 4:** Prior to the Current Planning Section's approval of the building permit for the new barn, the applicant shall demonstrate compliance with the following:
- a. Untreated project drainage shall not be directed to the riparian corridor or the creek or areas directly connected to the riparian corridor or the creek.
  - b. The septic line and leach field shall be located a minimum of 200 ft. from creek and riparian areas.
16. **Mitigation Measure 5:** Prior to the issuance of the grading permit "hard card," the applicant shall submit an archeological study of the project site. The study shall also show the results of attempts to contact local Native American tribe(s) regarding traditional, cultural, and religious heritage values.

17. **Mitigation Measure 6:** A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.
18. **Mitigation Measure 7:** Use existing roads to the maximum extent feasible to avoid additional surface disturbance.
19. **Mitigation Measure 8:** During all phases of the project, keep equipment and vehicles within the limits of the previously disturbed areas of the project site. All areas to remain undisturbed shall be delineated on the Erosion Control Plan, and the plan shall include measures, such as a fence or other kind of barrier, to demarcate the "limit of disturbance." The property owner shall demonstrate the implementation of these measures prior to issuance of the grading permit "hard card."
20. **Mitigation Measure 9:** The property owner, applicant, and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County oroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.
21. **Mitigation Measure 10:** Prior to the Planning and Building Department's Geotechnical Section's approval of the building permit for the new barn, the applicant shall demonstrate project compliance with the recommendations presented in the Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013, and any other subsequent geotechnical reports relating to this project.
22. **Mitigation Measure 11:** For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30) 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/mitigation measures, 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 the Current Planning Section.
23. **Mitigation Measure 12:** Prior to any land disturbance and throughout the grading operation, the property owner shall implement the approved erosion control plan, as prepared and signed by the engineer of record. Prior to the issuance of the grading permit "hard card," the applicant shall revise the Erosion Control Plan dated July 19, 2013, to include the proposed measures and additional measures as follows, subject to the review and approval of the Community Development Director:
- a. Revise plan to comply with mitigation measures related to biological resources, such as Mitigation Measures 1 and 15, and this mitigation measure. Prior to issuance of the grading permit "hard card," the applicant shall have the erosion and sediment control plan reviewed and approved by the project biologist.
  - b. Show the "limits of work" in your plans. Show protection for areas that will not be disturbed during construction. Show barriers along the "limit," such as orange barrier fencing or other measures as approved by the biologist. Forbid work, storage, earthmoving, vegetation clearing, and other disturbance outside of these areas.
  - c. Show protection of temporary stockpiles. Use anchored-down plastic sheeting in dry weather. In wet weather, or for longer storage, use seeding and mulching, soil blankets or mats.
  - d. Use diversion berms to divert water from unstable or denuded areas (e.g., top and base of a disturbed slope, grade breaks where slopes transition to a steeper slope).
  - e. Direct water from construction areas to designated temporary filtration/detention areas.
  - f. Show location of office trailer(s), storage sheds, temporary power pole, scaffold footprint, and other temporary installations on the plans (as applicable). Show how they will be accessed and show protection of the access routes.
  - g. Show Location of utility trenches, indicate utility types, and identify timing of installation.

- h. Show containment/protection of storage areas during work, as well as afterhours/weekends. Show how they will be accessed and show protection of the access routes.
  - i. Please provide an Erosion Control Point of Contact including name, title/qualifications, email, and two phone numbers. This person will be responsible for erosion control at the site and will be the County's main point of contact if corrections are required.
  - j. Show how disturbed areas (i.e., areas of removed horse stalls, portable barn, gravel road, temporary access routes around new barn and arena, and utility trenches) will be revegetated (including seed type and timing of application) or stabilized when disturbance activities in those areas have ceased.
24. **Mitigation Measure 13:** As the project involves over 1 acre of land disturbance, the property owner shall file a Notice of Intent (NOI) with the State Water Resources Board to obtain coverage under the State General Construction Activity NPDES Permit. A copy of the project's NOI, WDID Number, and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section and the Building Inspection Section, prior to the issuance of the grading permit "hard card."
25. **Mitigation Measure 14:** No grading shall be allowed during the winter season (October 1 through April 30) or during any rain event to avoid potential soil erosion. An applicant-completed and County-issued grading permit "hard card" is required prior to the start of any land disturbance/grading operations. Along with the "hard card" application, the applicant shall submit a letter to the Current Planning Section, at least two (2) weeks prior to commencement of grading, stating the date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation and estimated date of establishment of newly planted vegetation.
26. **Mitigation Measure 15:** The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:
- a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
  - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - c. Performing clearing and earthmoving activities only during dry weather.

- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
  - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
  - g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
  - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilization of designated access points.
  - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
  - m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
  - n. 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.
27. **Mitigation Measure 16:** 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.

28. **Mitigation Measure 17:** Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for compliance with this dust control requirement. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.
29. **Mitigation Measure 18:** Prior to the Building Inspection Section's approval of a building permit for the new barn, the applicant shall demonstrate compliance with Section 6825.1. D (*Areas of Special Flood Hazard*) of the County Zoning Regulations including, but not limited to: a) the construction of structures such that the lowest floor is elevated to or above the regulatory flood-protection elevation; and b) the development is in compliance with applicable Standards of Construction contained in Section 8131 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.
30. **Mitigation Measure 19:** The property owner shall comply with the following road access requirements:
  - a. The use of the existing road system shall be certified to support the imposed load(s) of 75,000 lbs.
  - b. Signs shall be placed on both sides of the Western Bridge with identification of the certified load carrying capacity.
  - c. Signs shall be placed on the approach to the Western Bridge identifying the fire access road location for vehicles exceeding the weight capacity of the bridge.

### Building Inspection Section

Comments Only: This is a preliminary plan review and shall not be construed as a complete plan check for a building permit and/or construction. When this design is submitted for a building permit, there may be more requirements according to the actual design being submitted for a building permit. This review is neither permission nor approval for final plan check for a permit.

31. During the building permit process, the applicant(s) shall demonstrate compliance with the following:
  - a. Prior to pouring any concrete for foundations, written verification from a licensed surveyor must be submitted which will confirm that the required setbacks as shown on the approved plans have been maintained.



- b. An automatic fire sprinkler system shall be required. This permit must be issued prior to or in conjunction with the building permit.
- c. If a water main extension, upgrade or hydrant is required, this work must be completed prior to the issuance of the building permit, or the applicant(s) must submit a copy of an agreement and contract with the water purveyor which will confirm that the work will be completed prior to finalization of the building permit.
- d. A site drainage plan will be required. This plan must demonstrate how roof drainage and site runoff will be directed to an approved disposal area.
- e. 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.
- f. This project must comply with the Green Building Ordinance.
- g. All drawings must be drawn to scale and clearly define the whole project.
- h. Please call out the right codes on the code summary: The design and/or drawings shall be done according to the 2010 Editions of the California Building Standards Code, the 2010 California Plumbing Code, the 2010 California Mechanical Code, and the 2010 California Electrical Code.
- i. This project shall comply with Chapter 7A of the California Building Code. Please show these requirements on your plans for review.
- j. This project shall comply with Building and Zoning Flood Regulations. All construction (Agricultural Use) in a Flood Zone-A shall provide breakaway walls and flood gates/vents, and livable space shall provide the top of the lowest floor joist one foot above the Base Flood Elevation (BFE). This project shall provide an Elevation Certificate(s) (FEMA Form) at the time of building permit application, and at the time of framing inspection, and prior to final inspection (a total of three Elevation Certificates are required by FEMA).

County Environmental Health Division

- 32. Prior to the building application stage, the applicant(s) shall submit 3 sets of the septic design plans to the County Environmental Health Division for a septic permit. Design plans shall be stamped by a licensed civil engineer or registered environmental health specialist. Subject plans shall include the location of the percolation test sites, percolation test data affixed onto the plans, water well(s)

and all structures proposed for the site. Septic design must meet the 600 ft. setback from Pomponio Creek unless advance treatment of the septic effluent is provided.

33. Prior to the issuance of a building permit for the barn, the applicant(s) shall demonstrate compliance with the County Environmental Health Division's regulations regarding the use of surface water, specifically those pertaining to on-going treatment, testing, and maintenance.

#### Department of Public Works

34. Prior to the issuance of the Building Permit, the applicant(s) will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
35. The applicant(s) shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
36. The applicant(s) 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 of 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.
37. Applicant(s) shall prepare a Stormwater Management Plan (SWMP) that includes, at a minimum, exhibit(s) showing drainage areas and location of Low Impact Development (LID) treatment measures; project watershed; total project site area and total area of land disturbed; total new and/or replaced impervious area; treatment measures and hydraulic sizing calculations; a listing of source control and site design measures to be implemented at the site; hydromodification management measures and calculations, if applicable; NRCS soil type; saturated hydraulic conductivity rate(s) at relevant locations or hydrologic soil type (A, B, C or D) and source of information; elevation of high seasonal groundwater table; a brief summary of how the project is complying with Provision C.3 of the MRP; and detailed Maintenance Plan(s) for each site design, source control and treatment measure requiring maintenance.
38. Applicant(s) shall ensure that post-construction levels of pollutants identified in the Clean Water Act (CWA) Section 303(d) list for the receiving water body do not exceed pre-development levels.

39. Project shall comply with all requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. Please refer to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) C.3 Stormwater Technical Guidance Manual for assistance in implementing LID measures at the site.
40. Prior to the final of the building permit for the project, the property owner shall coordinate with the Project Planner to enter into an Operation and Maintenance Agreement (O&M Agreement) with the County (executed by the Community Development Director) to ensure long-term maintenance and servicing by the property owner of stormwater site design and treatment control measures according to the approved Maintenance Plan(s), for the life of the project. The O&M Agreement shall provide County access to the property for inspection. The Maintenance Agreement(s) shall be recorded for the property.
41. Property owner shall be responsible for conducting all servicing and maintenance as described and required by the treatment measure(s) Maintenance Plan(s). Maintenance of all site design and treatment control measures shall be the owner's responsibility.
42. The property owner is responsible for submitting an Annual Report accompanied by a review fee to the County by December 31 of each year, as required by the O&M Agreement. The property owner is also responsible for the payment of an inspection fee for County inspections of the stormwater facility, conducted as required by the NPDES Municipal Regional Permit.
43. Approved Maintenance Plan(s) shall be kept on-site and made readily available to maintenance crews. Maintenance Plan(s) shall be strictly adhered to.
44. Site access shall be granted to representatives of the County, the San Mateo County Mosquito and Vector Control District, and the Water Board, at any time, for the sole purpose of performing operation and maintenance inspections of the installed stormwater treatment systems. A statement to that effect shall be made a part of the Maintenance Agreement.
45. Property owner shall be required to pay for all County inspections of installed stormwater treatment systems as required by the Regional Water Quality Control Board or the County.
46. Within one (1) week of the installation date of the approved facility, the project civil engineer shall notify Richard Lee, Associate Engineer, Department of Public Works, by email at [rlee@smcgov.org](mailto:rlee@smcgov.org) or fax at 650/363-4859. Notice shall include the installation date of the last component of the approved facility and the name of the project civil engineer. The County will perform a final inspection of the approved facility within 45 days of the date of installation.

Planning and Building Department's Geotechnical Section

47. For the final approval of the grading permit, the applicant(s) shall ensure the performance of the following activities within thirty (30) 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/mitigation measures, and the Grading Regulations, to 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 the Current Planning Section.

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# Attachment A



LA HO

SAN GREGORIO

POMPONIO

NORTH

Planning and Building  
Department

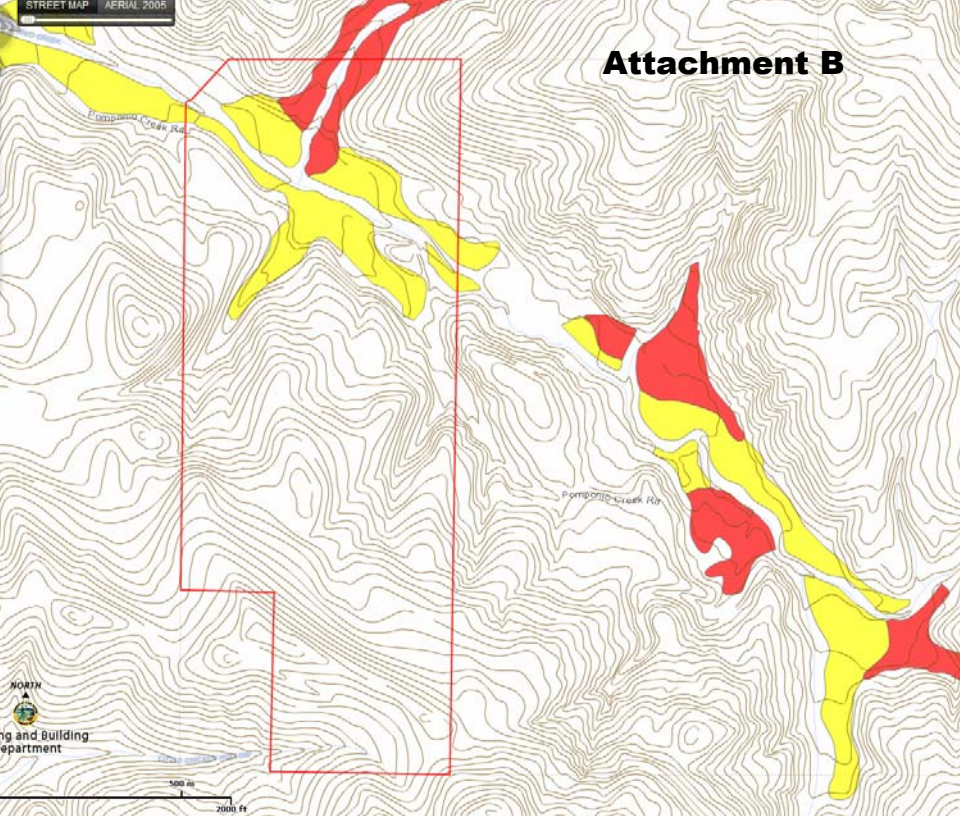
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BIG LAGOON

POMPONIO RESERVOIR

MEMORIAL PARK

# Attachment B

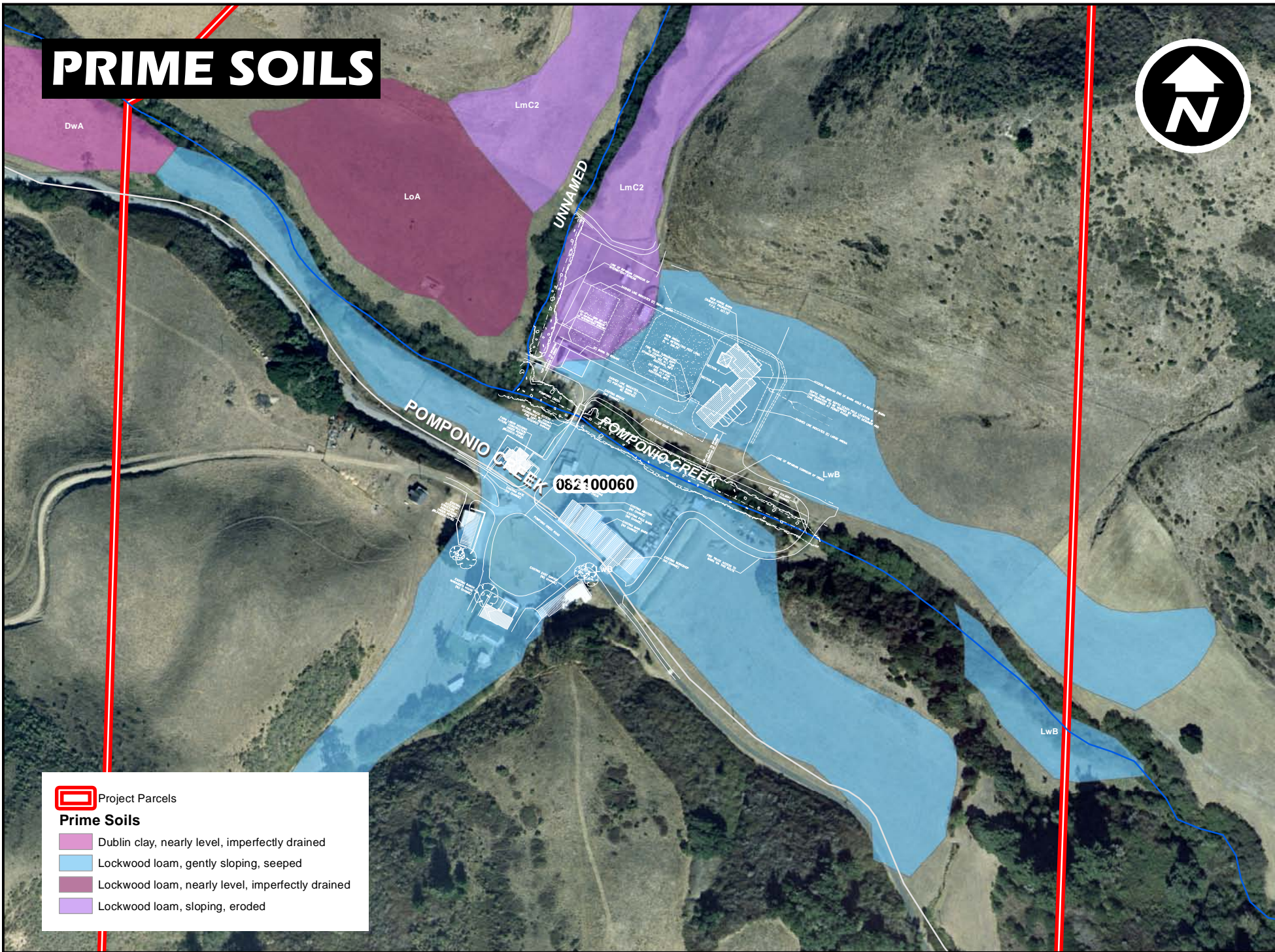


NORTH  
Planning and Building  
Department

500 ft  
2000 ft




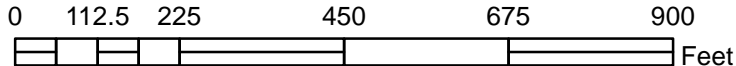
# PRIME SOILS



 Project Parcels

**Prime Soils**

-  Dublin clay, nearly level, imperfectly drained
-  Lockwood loam, gently sloping, seeped
-  Lockwood loam, nearly level, imperfectly drained
-  Lockwood loam, sloping, eroded





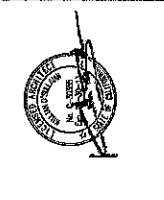


WENTWELL BECHT  
 3300 Pomponio Creek Rd  
 San Francisco, CA 94134  
 Phone (415) 797-3821  
 Fax (415) 797-3826

OSullivan Architecture  
 1400 Market Street  
 San Francisco, CA 94102  
 Phone (415) 797-3821  
 Fax (415) 797-3826

REV.	DATE	DESCRIPTION	BY	CHK

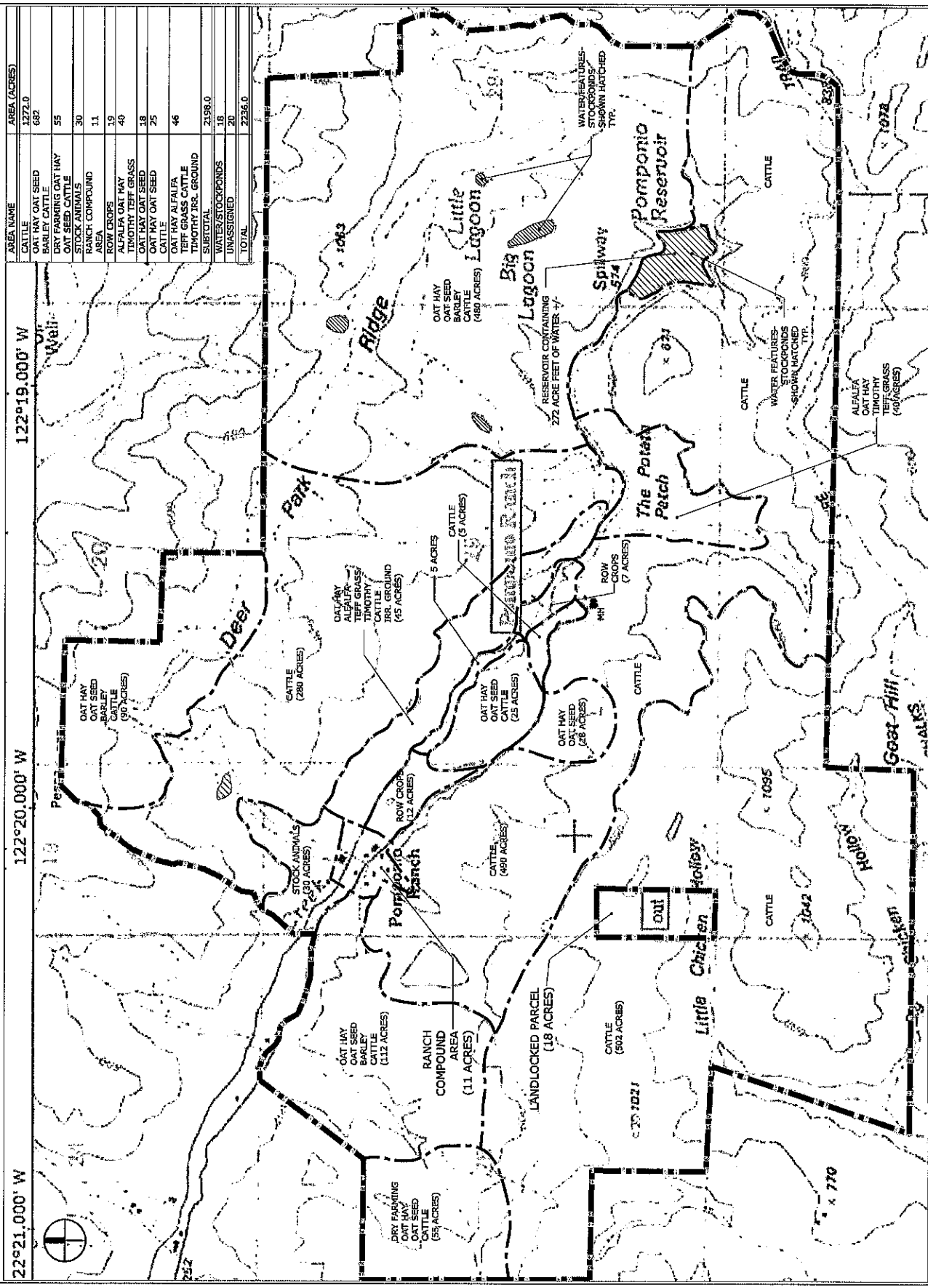
ISSUE TITLE  
**JUNE 7 2013**  
 PLANNING  
 APPLICATION



DRAWN: NOS  
 JOB: 201005  
 SCALE: AS NOTED

POMPONIO RANCH  
 AGRICULTURAL LAND  
 MANAGEMENT PLAN

**A0.2**



AREA NAME	AREA (ACRES)
CATTLE	1372.0
OAT HAY OAT SEED	682
BARLEY CATTLE	55
OAT SEED CATTLE	30
STOCK ANIMALS	11
RANCH COMPOUND	11
ROW CROPS	19
ALFALFA OAT HAY	40
TIMOTHY TEFF GRASS	18
OAT HAY OAT SEED	25
CATTLE	46
ALFALFA	
OAT HAY CATTLE	
TEFF GRASS CATTLE	
TIMOTHY IRR. GROUND	
SUBTOTAL	2198.0
WATER STOCKPONS	18
UNASSIGNED	20
TOTAL	2236.0

AGRICULTURAL LAND MANAGEMENT MAP AND CROP AREA TABLE 1

NOTE - AREAS SHOWN ARE APPROXIMATE



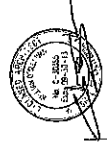


NO.	DATE	DESCRIPTION	BY	CHK

NSRP:



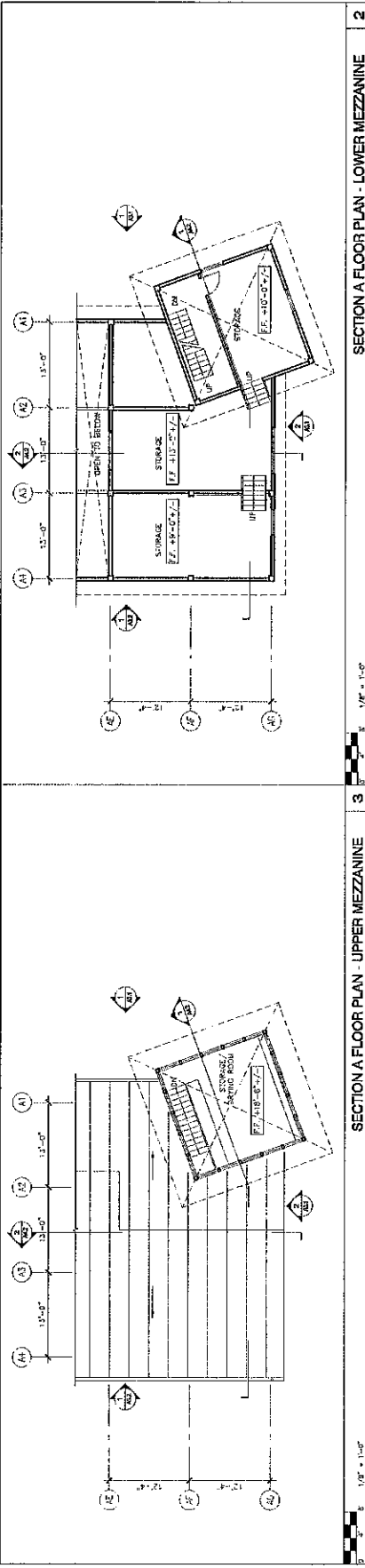
ISSUE TITLE  
JUNE 7 2013  
PLANNING APPLICATION



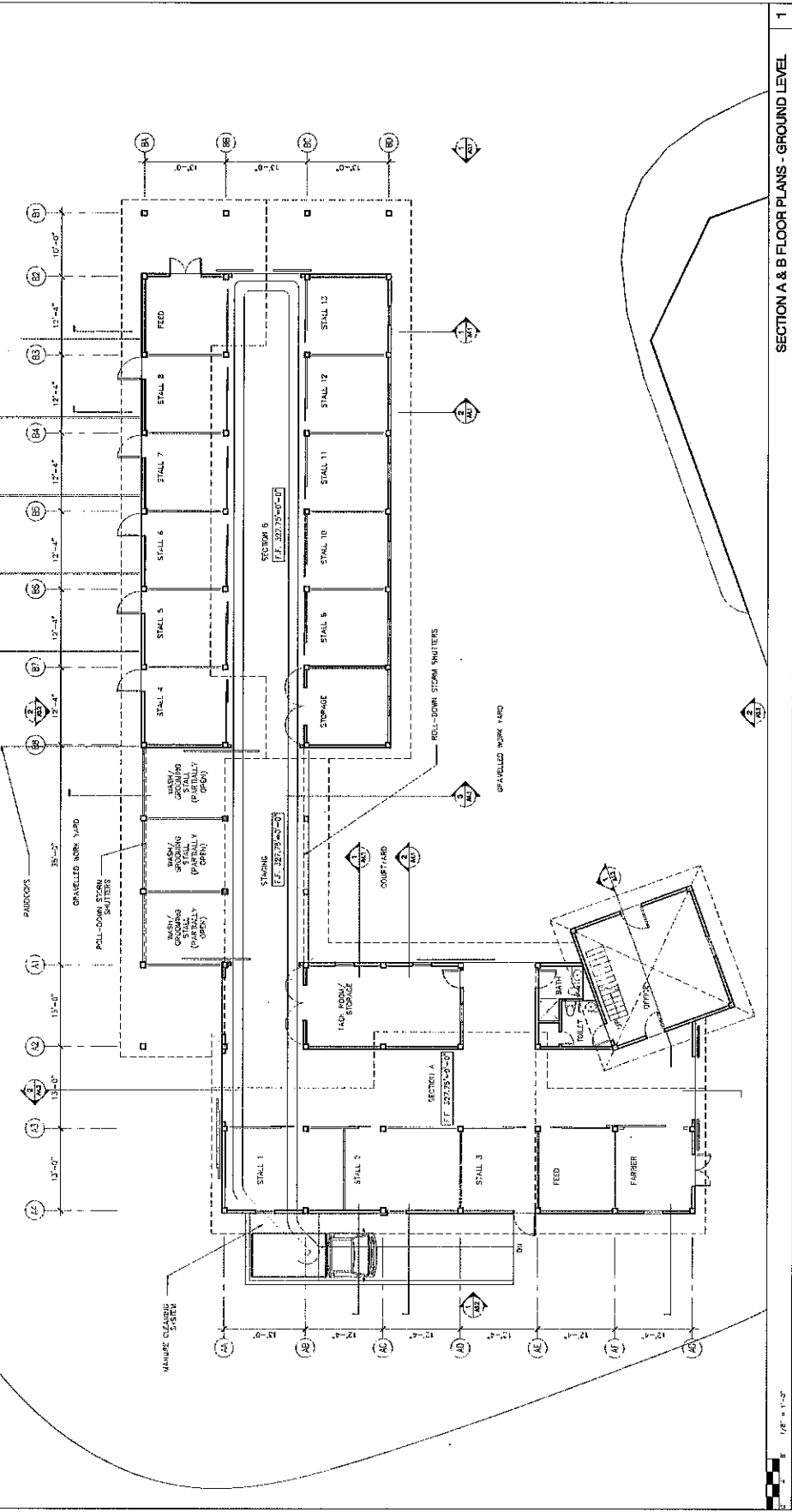
DATE:	1/7/13
BY:	JK
SCALE:	AS NOTED

FLOOR PLANS

A2.1



SECTION A FLOOR PLAN - UPPER MEZZANINE 3 1/8" = 1'-0" 1/8" = 1'-0"



SECTION A & B FLOOR PLANS - GROUND LEVEL 1 1/8" = 1'-0"

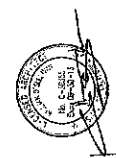
PORTLAND RANCH  
52500 Pomodoro Creek Rd  
SAN CARLOS CA 94571  
APN: 003-108-002

**O'Sullivan Architecture**  
2555 BOULDER AVENUE  
SAN CARLOS CA 94580  
PHONE (415) 577-5523  
FAX (415) 596-3989

REV	DATE	DESCRIPTION	BY	CHK



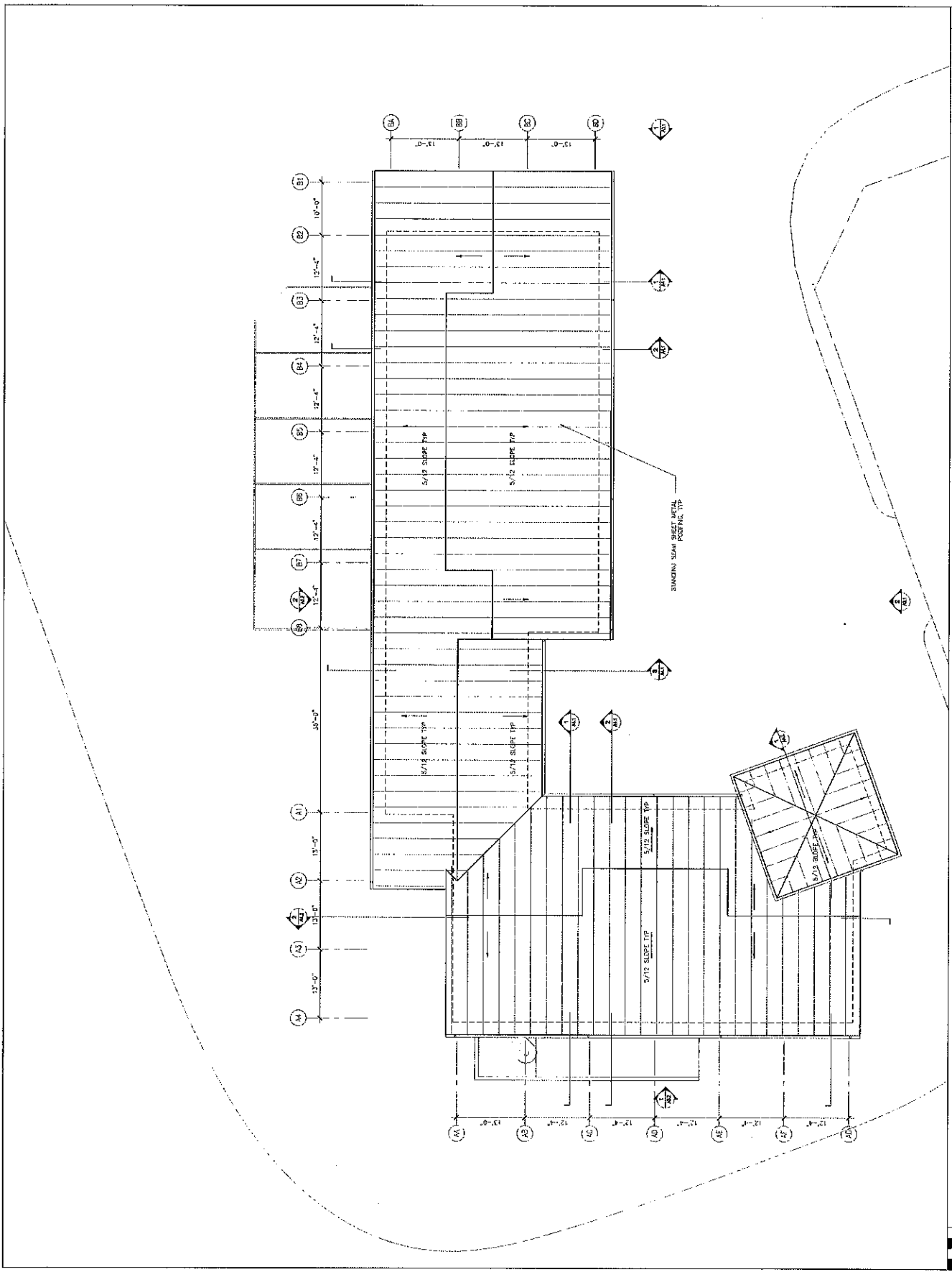
DATE TITLED  
**JUNE 7 2013**  
**PLANNING APPLICATION**



DRAWING NO: 2013-0752  
JOB: 2013-0752  
SCALE: AS NOTED

**ROOF PLANS**

**A2.2**

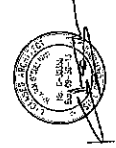


ROOF PLANS - SECTION A & B 1

NO.	DATE	REVISIONS	BY	CHECK

NSP/TH

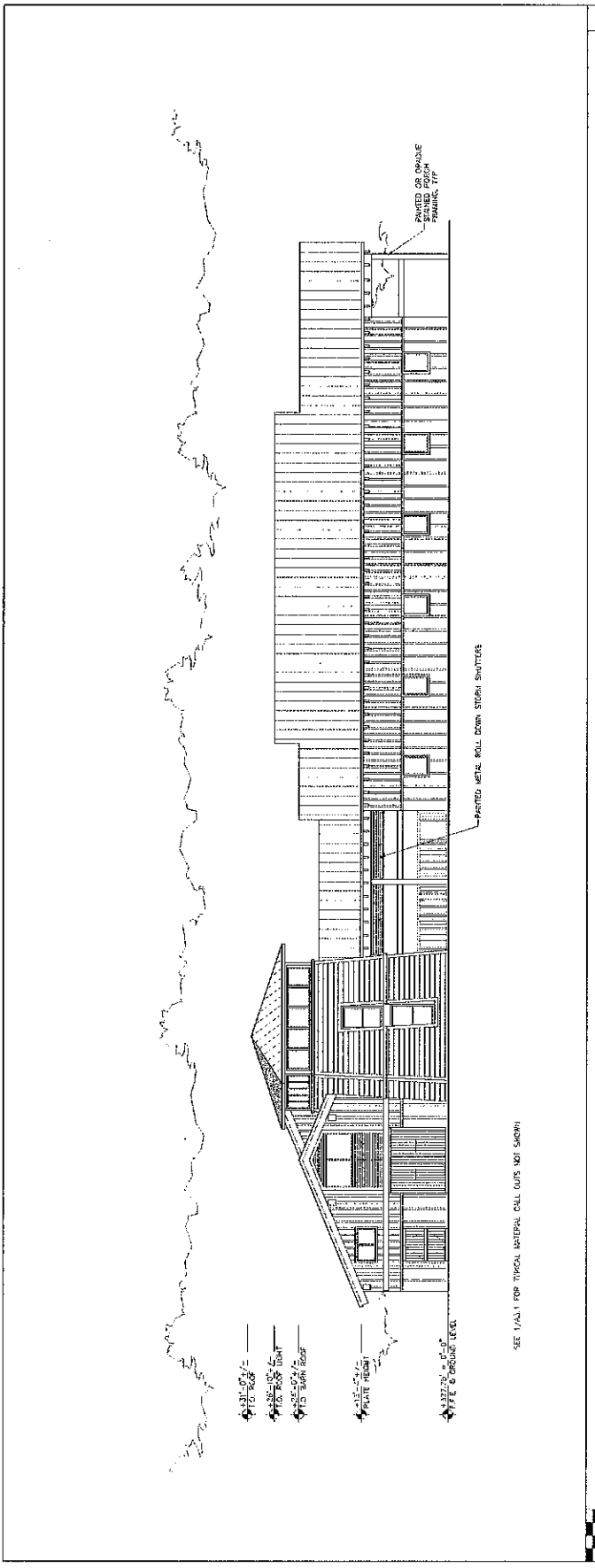
ISSUE TITLE  
**JUNE 7 2013**  
**PLANNING**  
**APPLICATION**



DRAWN: M/S  
 JOB: 30-605  
 SCALE: AS NOTED  
 AS NOTED

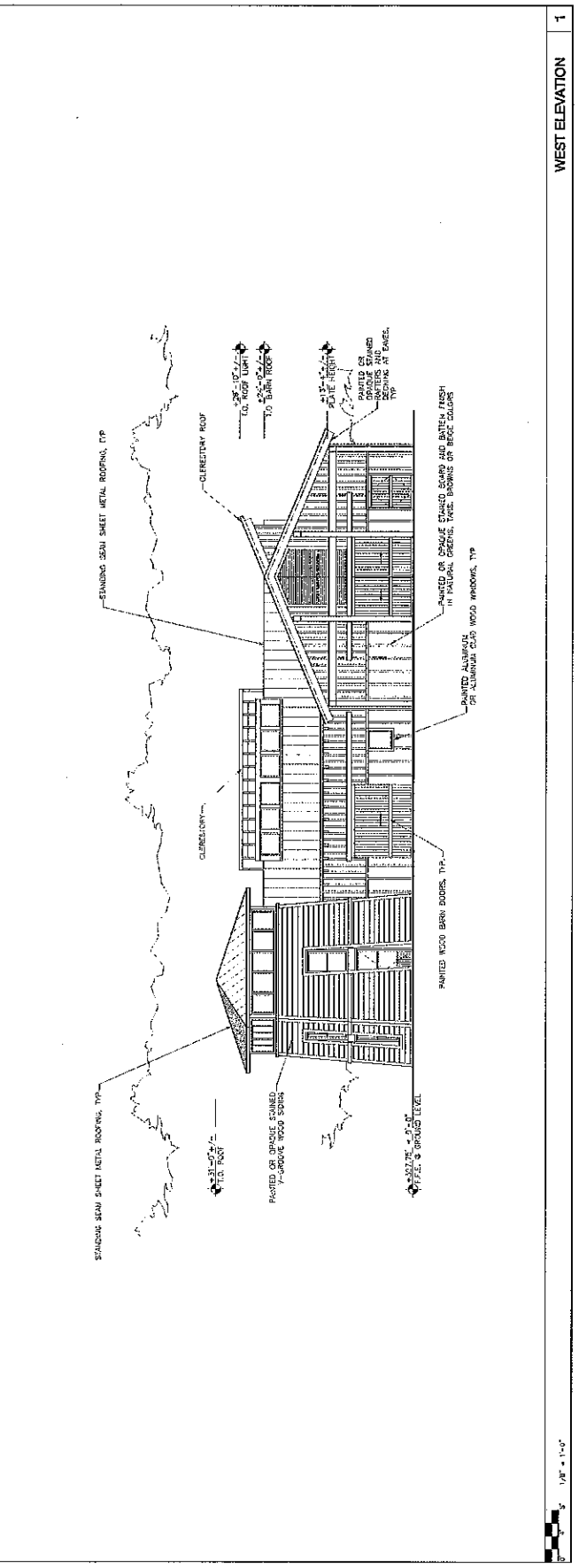
**EXTERIOR**  
**ELEVATIONS**

**A3.1**



**NORTH ELEVATION 2**

1/8" = 1'-0"



**WEST ELEVATION 1**

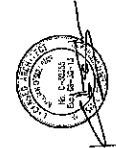
1/8" = 1'-0"

PORTLAND ARCHITECTURE  
 3300 Pompano Creek Rd  
 SAN ANTONIO, TX 78201  
 A/E/C: 2007-2008

**O'Sullivan Architecture**  
 395 business street  
 SAN ANTONIO, TX 78215  
 PHONE (512) 227-5233  
 FAX (512) 795-2988

REV.	DATE	DESCRIPTION	BY	CHK

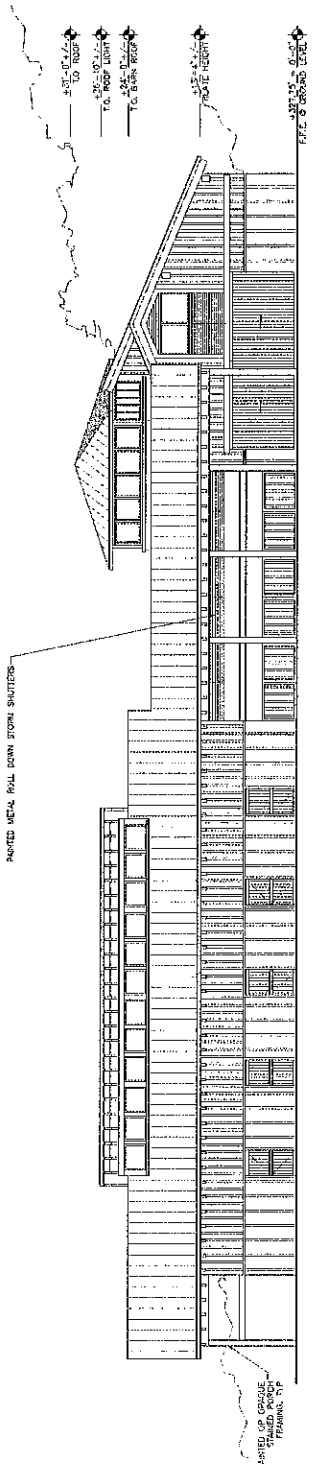
ISSUE FILE  
**JUNE 7 2013**  
**PLANNING**  
**APPLICATION**



DRAWN:	UZO
JOB	301008
SCALE:	AS NOTED

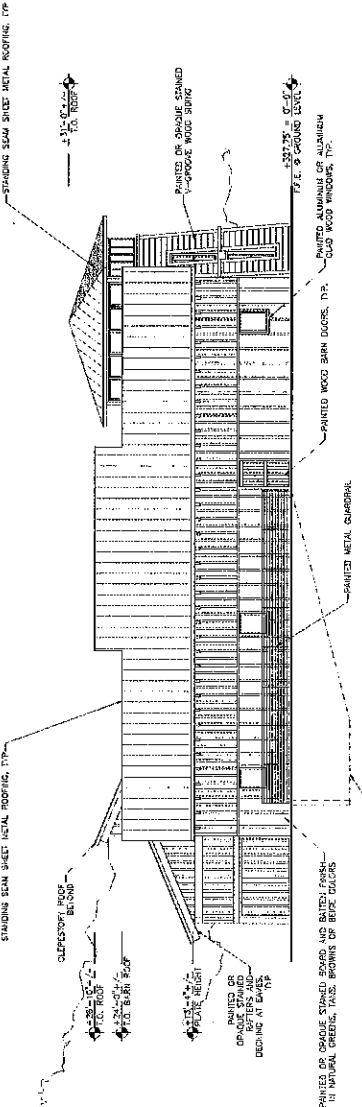
**EXTERIOR ELEVATIONS**

**A3.2**



**SOUTH ELEVATION**

1/8" = 1'-0"



**EAST ELEVATION**

1/8" = 1'-0"

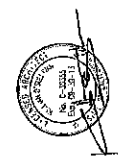


POPPIEGO RANCH  
3255 S. Emporium Creek Rd  
SANTA ANA, CALIFORNIA 92705  
APR. 882-100-609

**O'Sullivan Architecture**  
1505 SOLARES STREET  
SAN FRANCISCO, CA 94115  
415-398-1100  
FAX: (415) 296-2406

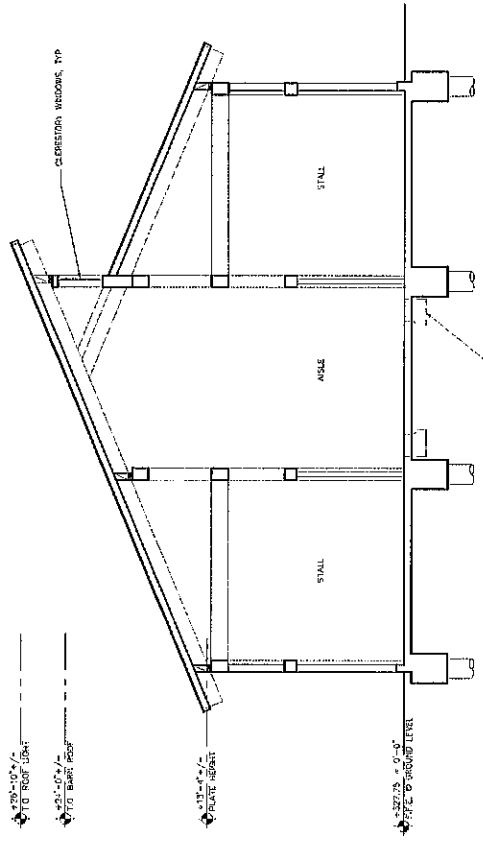
REV#	DATE	DESCRIPTION	BY	CHK

ISSUE TITLE  
**JUNE 7 2013**  
**PLANNING APPLICATION**

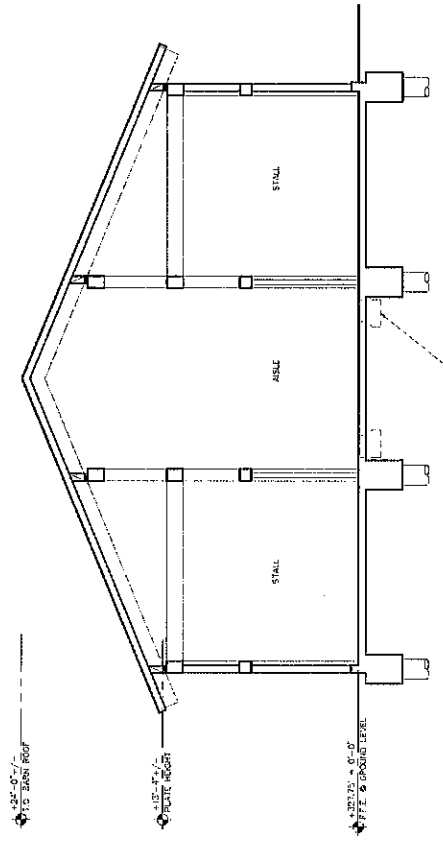


DRAWING: 105  
SHEET: 201605  
SCALE: AS NOTED  
**SECTIONS**

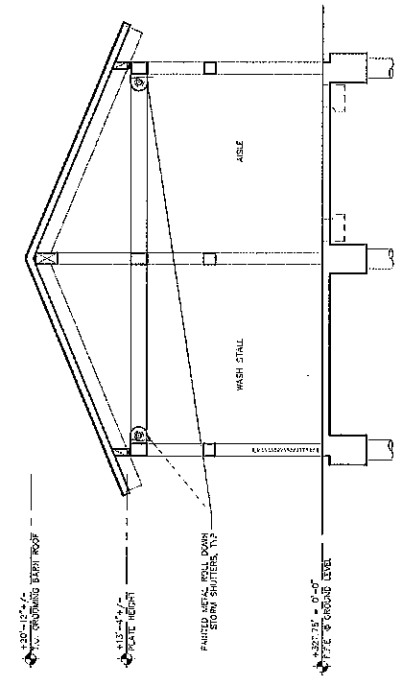
**A4.1**



1/4" = 1'-0"  
TYPICAL CROSS-SECTION THROUGH SECTIONS A & B AT ROOF-LIGHT 2



1/4" = 1'-0"  
TYPICAL CROSS-SECTION THROUGH SECTIONS A & B 1

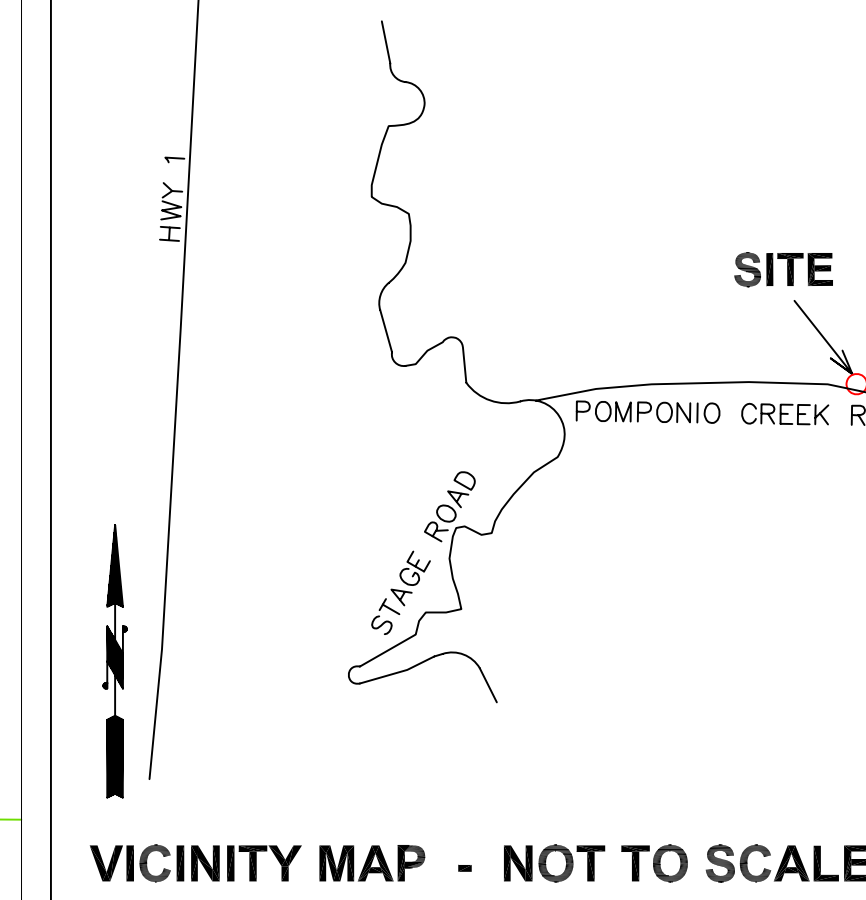


1/4" = 1'-0"  
CROSS SECTION AT WASH STALLS 3



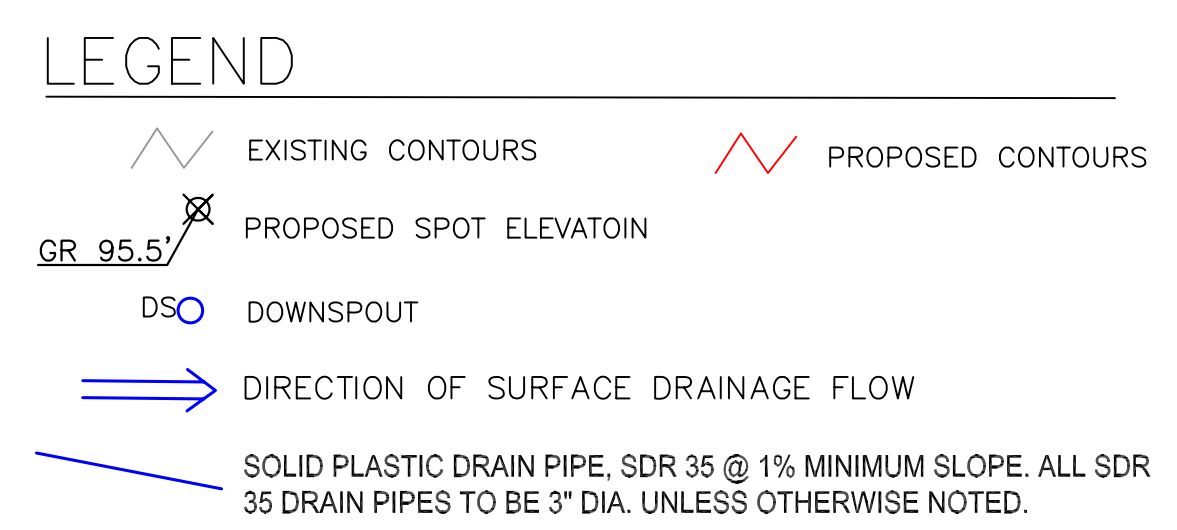
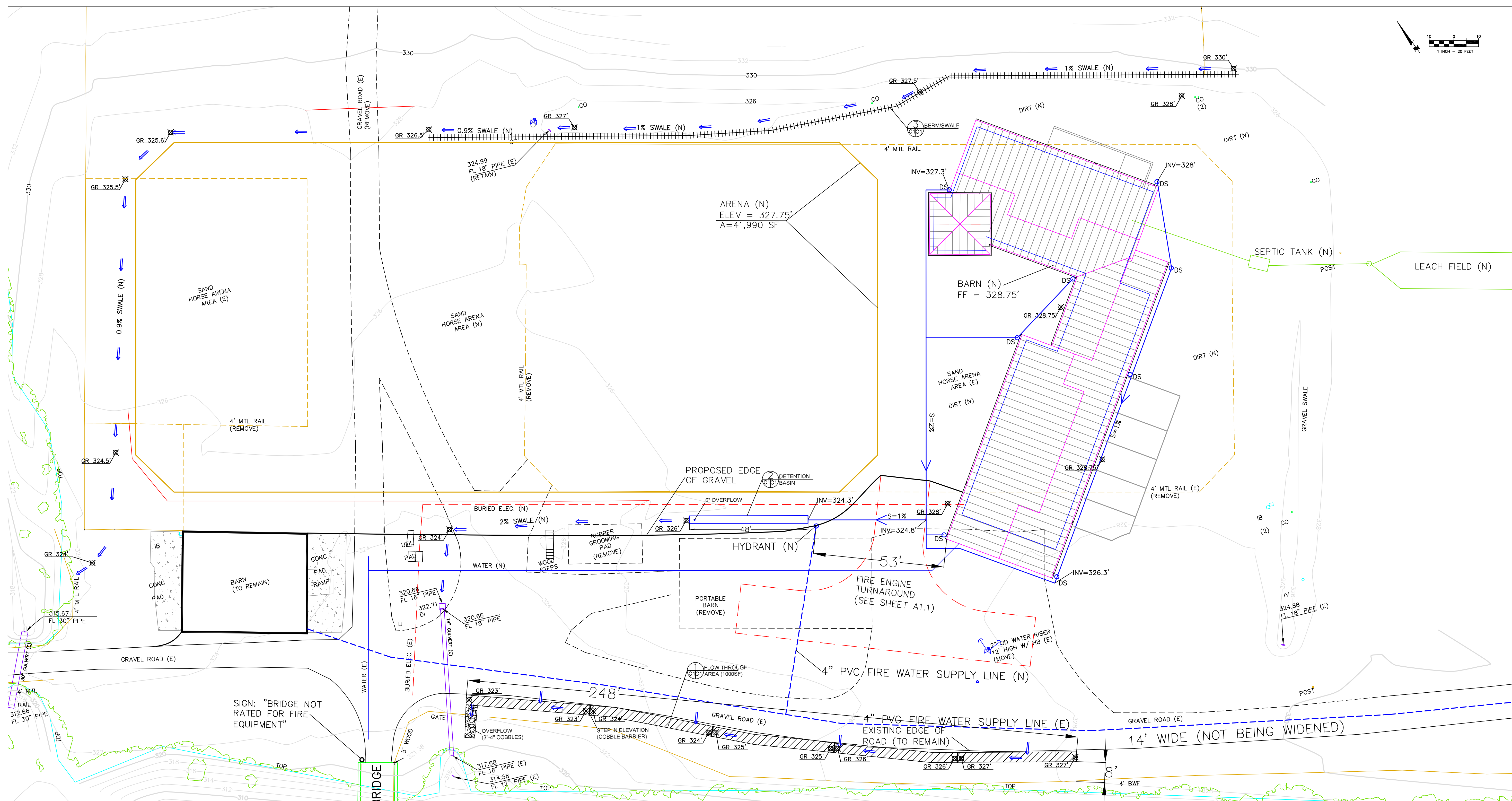
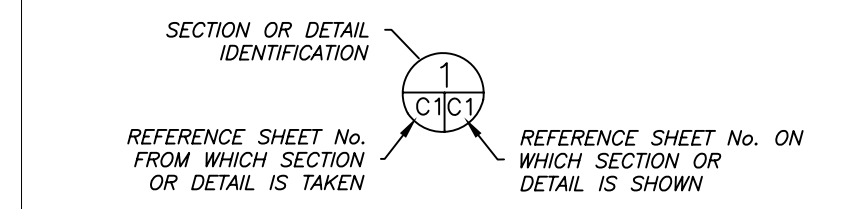






VICINITY MAP - NOT TO SCALE

SECTION AND DETAIL CONVENTION



**GENERAL NOTES**

- PLANS PREPARED AT THE REQUEST OF: KILLIAN O'SULLIVAN, ARCHITECT
- SURVEY AND TOPOGRAPHY BY BKF, SURVEYED APRIL 2013.
- ELEVATION DATUM ASSUMED. THIS IS NOT A BOUNDARY SURVEY.

**DRAINAGE NOTES**

- DRAINAGE INTENT: IT IS THE INTENT OF THE DRAINAGE SYSTEM TO CONVEY ROOF RUNOFF TO A SAFE LOCATION.
- RUNOFF FROM IMPERVIOUS SURFACES SHALL BE DIRECTED TO THE DETENTION BASIN, AS SHOWN.
- ALL DRAINAGE PIPES SHALL BE 3" DIAMETER SOLID PIPE.
- EXISTING 18" DRAIN PIPE THAT WILL CROSS UNDER MIDDLE OF NEW ARENA TO BE RETAINED. RUNOFF THAT IS DIVERTED AROUND NEW ARENA WILL FLOW INTO PIPE. THERE WILL NO CHANGE IN DRAINAGE PATTERNS, AND NO INCREASE IN RUNOFF OR VELOCITY IN PIPE.

**GRADING NOTES**

CUT VOLUME: 330 CY (MOSTLY FOR ARENA)  
 FILL VOLUME: 330 CY (IN BARN AREA AND OLD ARENA AREA)  
 ARENA SAND VOLUME: 1555 CY

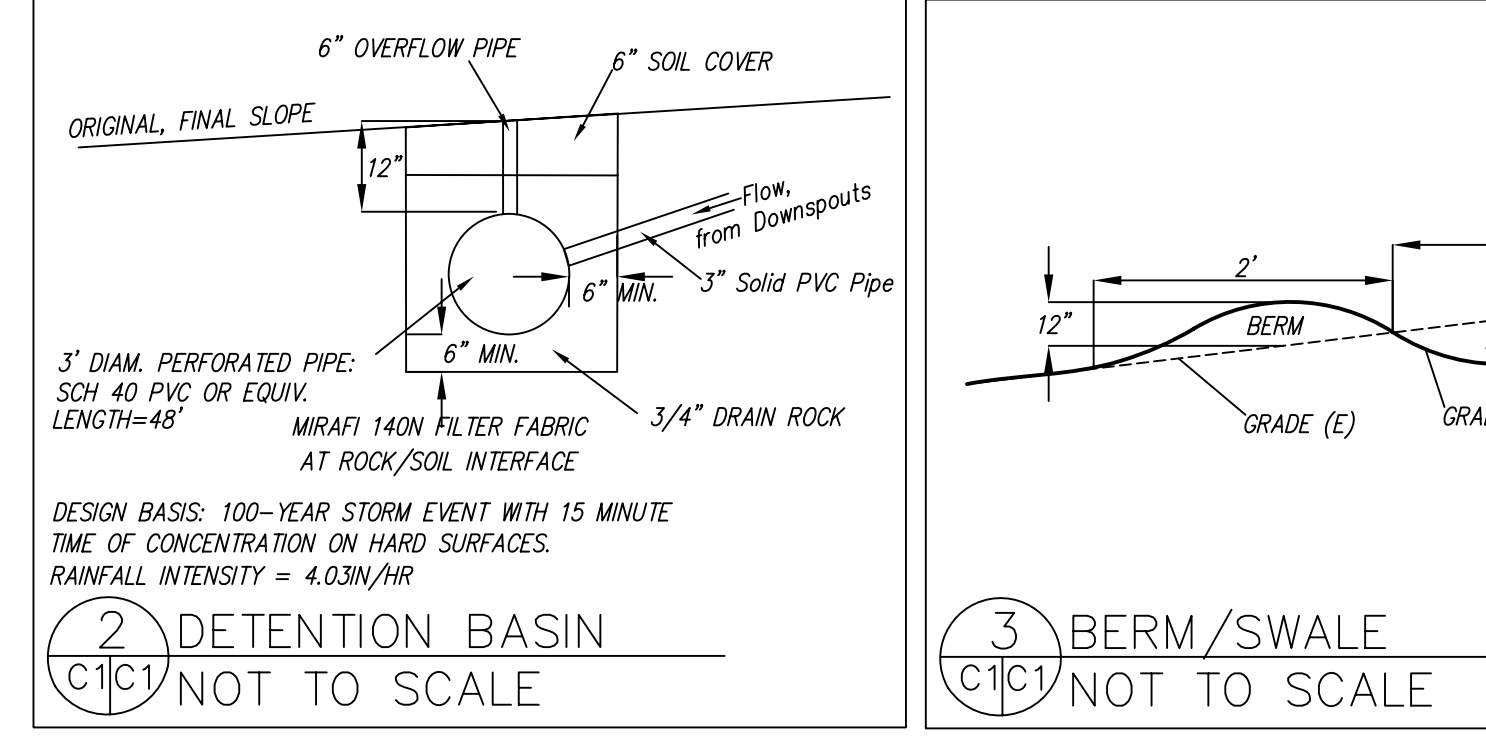
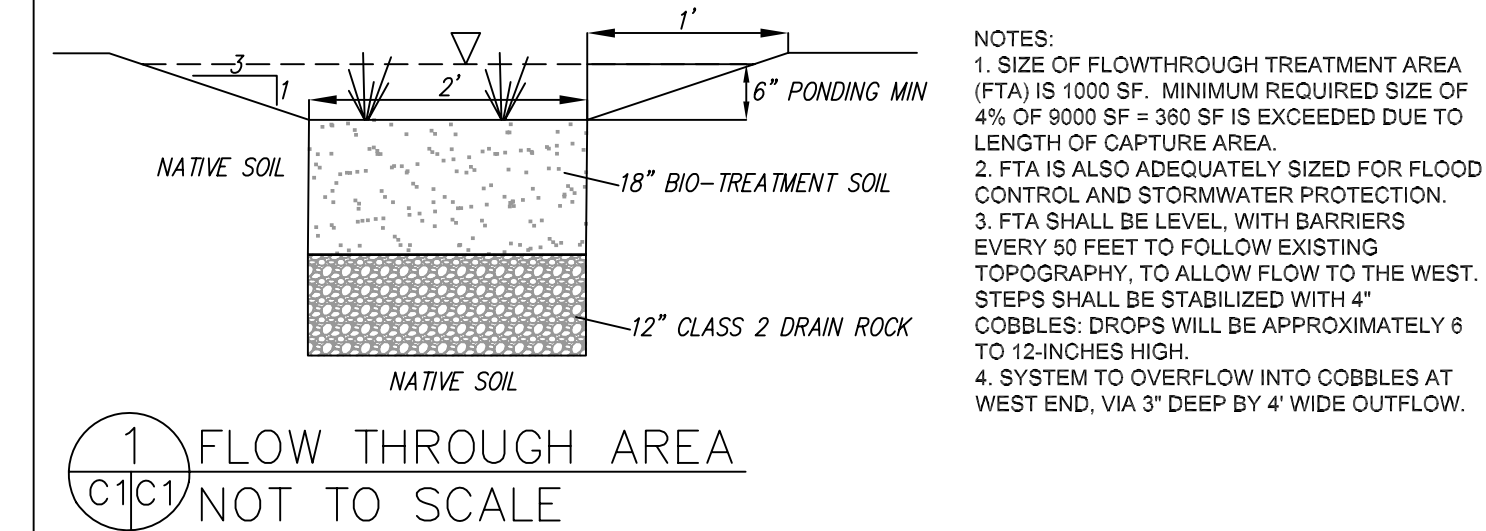
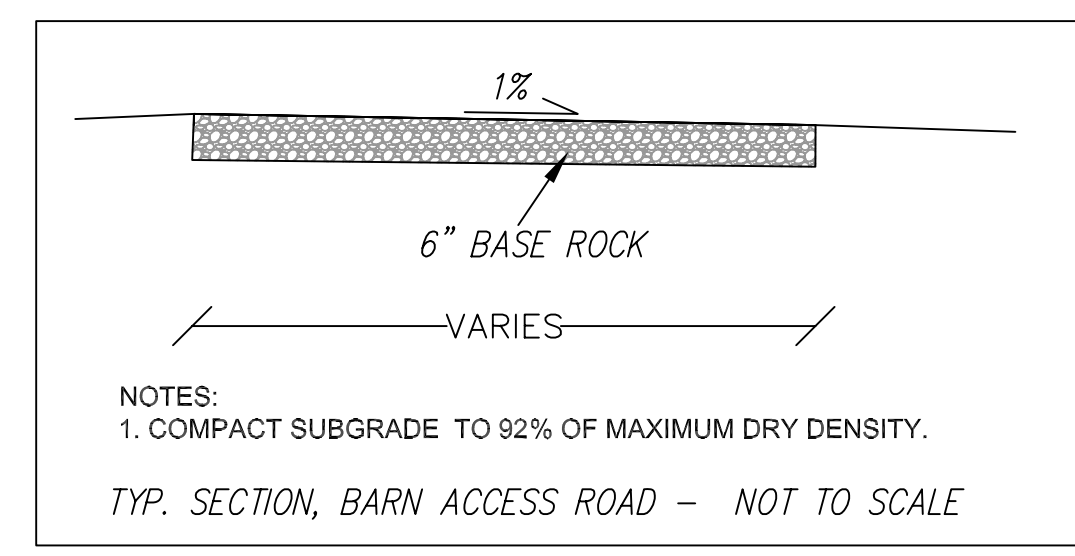
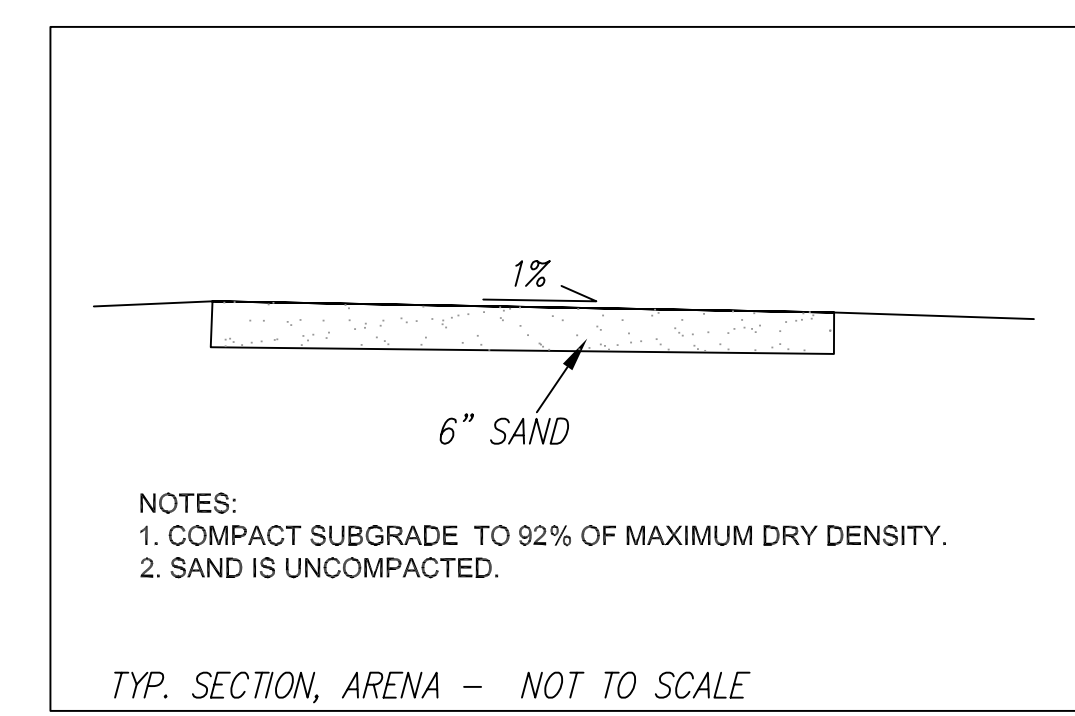
ABOVE VOLUMES ARE APPROXIMATE.

ALL GRADING SHALL CONFORM TO LOCAL CODES AND ORDINANCES.

ALL TRENCHES UNDER PROPOSED PAVED AREAS OR CONCRETE SHALL BE BACKFILLED TO SUBGRADE ELEVATION WITH COMPACTED APPROVED GRANULAR MATERIALS. IF TRENCHES ARE IN PROPOSED LANDSCAPE AREAS, THEY SHALL BE BACKFILLED WITH COMPACTED APPROVED GRANULAR MATERIAL TO WITHIN ONE FOOT OF FINISHED GRADE, AND THEN FILLED WITH HAND TAMPED SOILS.

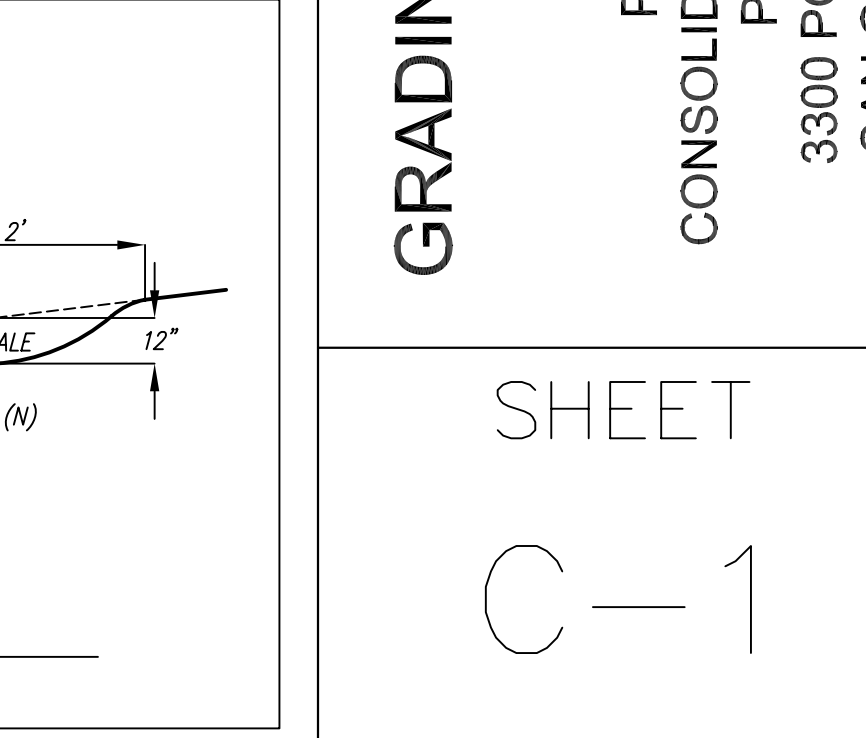
**DUST CONTROL NOTES**

- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction areas.
- Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads within the project parcel to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- The approved plan shall be implemented for the duration of any grading and construction activities that generate dust and other airborne particles.



**NOTES:**

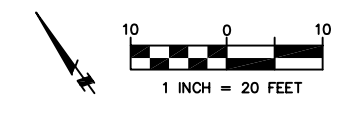
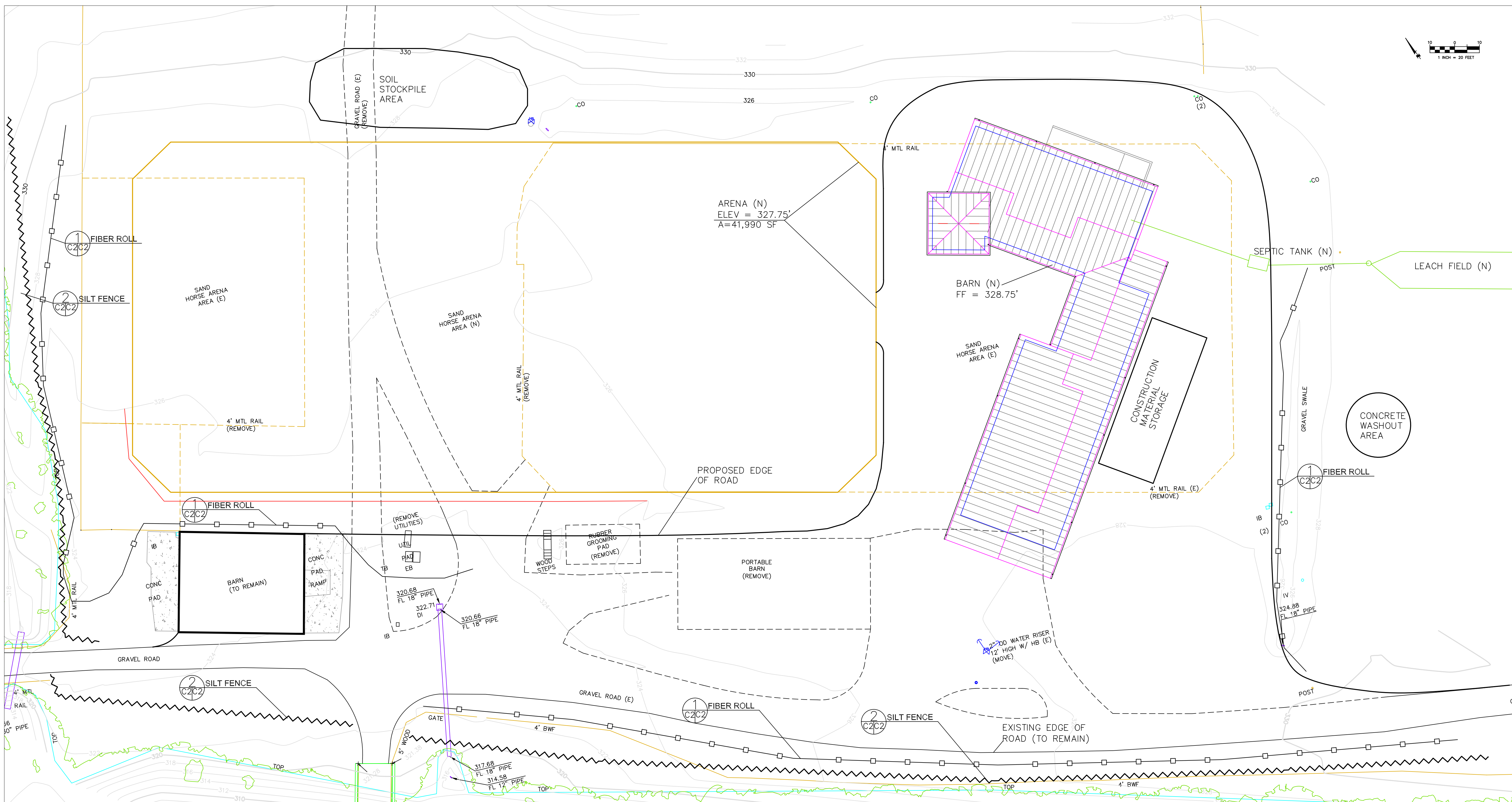
- SIZE OF FLOWTHROUGH TREATMENT AREA (FTA) IS 1000 SF. MINIMUM REQUIRED SIZE OF 4% OF 9000 SF = 360 SF IS EXCEEDED DUE TO LENGTH OF CAPTURE AREA.
- FTA IS ALSO ADEQUATELY SIZED FOR FLOOD CONTROL AND STORMWATER PROTECTION.
- FTA SHALL BE LEVEL WITH BARRIERS EVERY 50 FEET TO FOLLOW EXISTING TOPOGRAPHY, TO ALLOW FLOW TO THE WEST. STEPS SHALL BE STABILIZED WITH 4" COBBLES. DROPS WILL BE APPROXIMATELY 6 TO 12-INCHES HIGH.
- SYSTEM TO OVERFLOW INTO COBBLES AT WEST END, VIA 3" DEEP BY 4' WIDE OUTFLOW.



**GRADING AND DRAINAGE PLAN**

PROPOSED BARN,  
 CONSOLIDATED/RENOVATED ARENA  
 POMONIO RANCH  
 POMONIO CREEK ROAD  
 SAN GREGORIO, CALIFORNIA



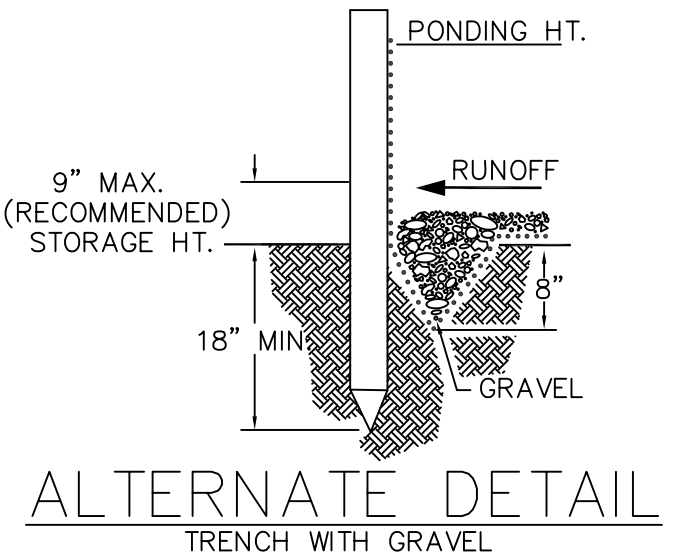
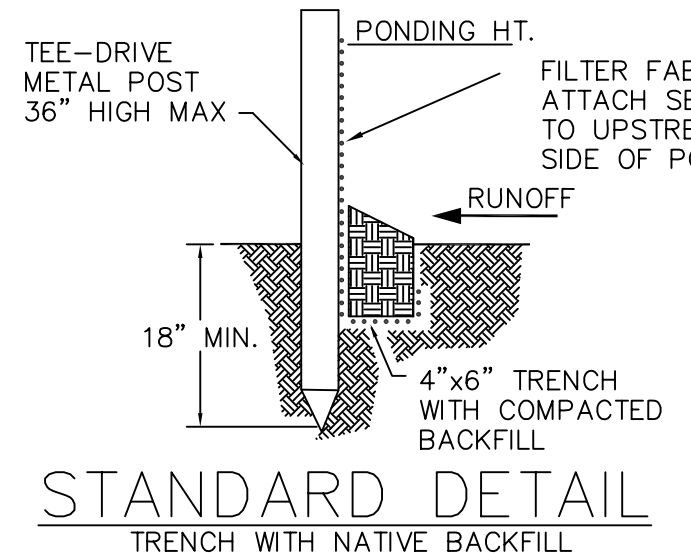
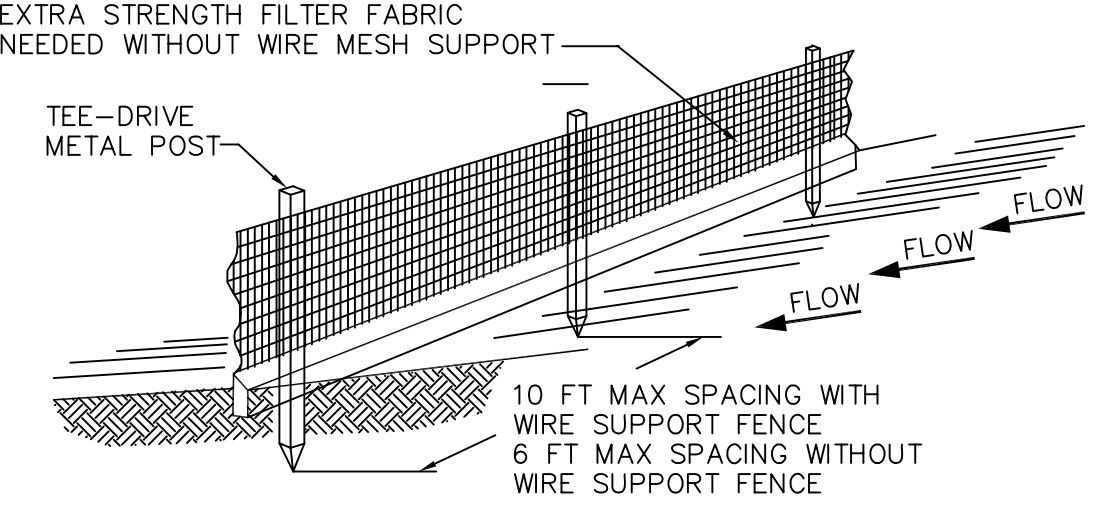
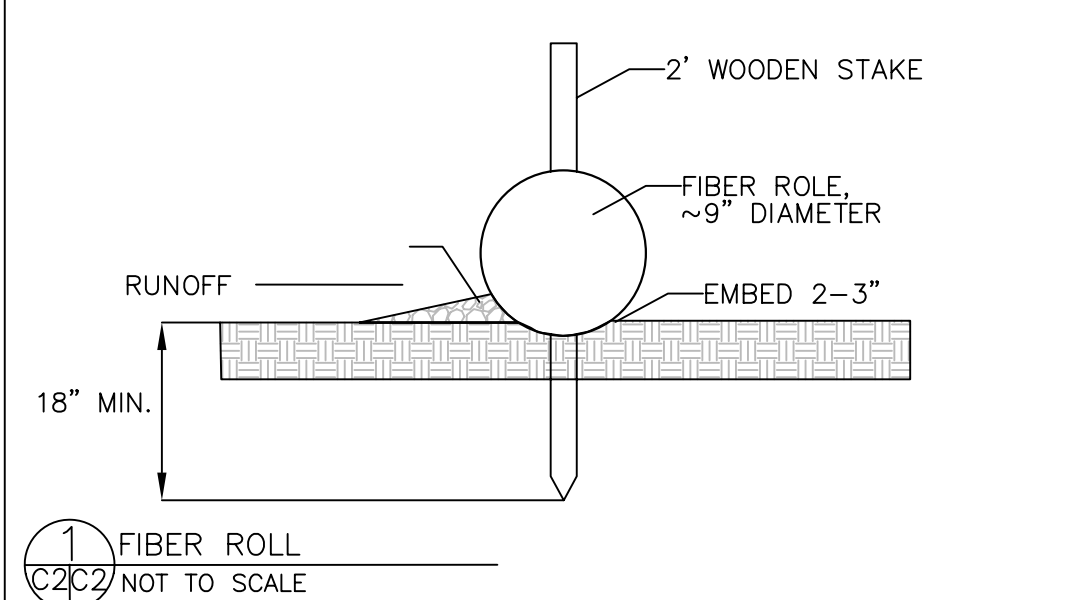


<b>Sigma Prime Geosciences, Inc.</b> REGISTERED PROFESSIONAL ENGINEER CHARLES M. KUSSICK No. 62264 9-30-13 EXPIRES CIVIL STATE OF CALIFORNIA					
DATE: 7-22-13	DRAWN BY: CMK	CHECKED BY: AZG	JOB NO.: 12-111	REV. DATE: 8-1-13	REV. DATE:
SIGMA PRIME GEOSCIENCES, INC. 111 VASSAR STREET HALF MOON BAY, CA 94019 (650) 728-3590 FAX 728-3593					

**EROSION CONTROL NOTES**

- FIBER ROLL: INSTALL AS SHOWN IN DETAIL 1
- SILT FENCE: INSTALL AT LOCATIONS SHOWN. AFFIX AS SHOWN IN DETAIL 2

1. FOR CONSTRUCTION DURING DRY SEASON, ALL EXPOSED SURFACES SHALL BE WETTED PERIODICALLY TO PREVENT SIGNIFICANT DUST.
2. BETWEEN OCT 15th AND APRIL 15th ALL EXPOSED SOIL SHALL BE PROTECTED FROM EROSION AT ALL TIMES. SUCH PROTECTION SHALL CONSIST OF JUTE MATTING ON SLOPES.
3. ALL STOCKPILED SOIL SHALL BE COVERED DURING PERIODS OF RAIN.
4. BEFORE COMPLETION OF PROJECT ALL EXPOSED OR DISTURBED SURFACES SHALL BE PERMANENTLY PROTECTED FROM EROSION, AS PER THE LANDSCAPE PLAN.



- NOTE:
1. INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN NECESSARY.
  2. REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.
  3. SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.

**EROSION CONTROL PLAN**

PROPOSED BARN,  
 CONSOLIDATED/RENOVATED ARENA  
 POMONIO RANCH  
 3300 POMONIO CREEK ROAD  
 SAN GREGORIO, CALIFORNIA

SHEET  
 C-2



23  
24

Recorded at the request  
of and when recorded  
return to:

Peninsula Open Space Trust  
3000 Sand Hill Road, 1-155  
Menlo Park, CA 94025

North American Title Insurance Company hereby certifies  
that the within instrument is a true and correct copy of the  
original instrument recorded in the office of the Recorder  
of the County of San Mateo, State of California  
on 12-20-2006  
Recorder's Serial No. 2006-192784  
**NORTH AMERICAN TITLE INSURANCE COMPANY**  
By: [Signature]  
Escrow Officer

**CONSERVATION EASEMENT**  
Pomponio Ranch

THIS CONSERVATION EASEMENT (the "Easement"), is granted this 18 day  
of December, 2006, by Ann S. Bowers, as Trustee of the Robert N. Noyce Trust, created  
UTA dated January 1, 2001 ("Grantor"), to the Peninsula Open Space Trust, a California  
nonprofit public benefit corporation ("Grantee").

**RECITALS**

A. Grantor is the owner in fee simple of certain real property (the  
"Conservation Property") in San Mateo County, California, consisting of approximately  
2,236 acres as shown on Exhibit A and more particularly described in Exhibit B, which  
shall be subject to the terms of the Conservation Easement granted herein.

B. The Conservation Property comprises the upper half of the Pomponio Creek  
valley and watershed and has large scenic areas of open grass covered ridges with  
spectacular views, a large reservoir, and over five miles of riparian corridors with riparian  
vegetation in good condition; and several forested areas containing mature fir, oak,  
Monterey cypress and redwood.

C. The Conservation Property is contiguous to San Mateo County's Memorial  
Park, a heavily used park with hiking trails along the common boundary and the  
Conservation Property is highly visible from viewpoints along trails in the park and  
possesses a key location between Memorial Park and Pomponio State Beach.

D. The Conservation Property supports and contains a wide variety of plant  
and animal life including habitat for species such as the San Francisco Garter Snake and  
San Mateo Wooly Sunflower which are identified on federal and state lists as endangered.

E. The Conservation Property is one of the largest remaining tracts of  
privately owned open space in the Santa Cruz Mountains between San Francisco and San  
Jose.

F. Due to the foregoing factors (among others), the Conservation Property  
possesses natural, scenic, agricultural and open space values (collectively "Conservation  
Values").



5. Development Rights. A "density credit" or "development credit" under applicable law, land use policies, and regulations of the County of San Mateo, is equivalent to the right to build one single-family dwelling or its equivalent in recreational and other uses. Under certain circumstances, the density credits may be transferred to and utilized on other property or properties. In addition to and including the existing density and development credits, there are other existing and future rights to develop the Conservation Property in a variety of ways (all of which density and development credits and other existing and future rights to develop are hereinafter collectively referred to as, the "Development Rights"). The parties agree as follows with respect to the Development Rights relating to the Conservation Property:

(a) Grantor's Reservation. The Development Rights may be used for the existing or new residences and accessory structures on the Conservation Property, or for their replacement. The Grantor specifically reserves the right, including sufficient Development Rights, to place, construct, maintain, repair, expand, renovate or replace the improvements authorized under paragraph 6 of the Easement, but in no event shall the total square footage of all existing and new improvements on the Conservation Property exceed 85,000 square feet. The use of the density credits shall be in strict compliance with the terms, conditions and restrictions of the Easement.

(b) Remaining Rights, and Transfer. All remaining rights in any present or future Development Rights associated with the Conservation Property, other than those expressly reserved by the Grantor in paragraph 5(a) and paragraph 6, are hereby conveyed by Grantor to Grantee, and shall not be applied to or utilized by Grantee for development on the Conservation Property. No density credits shall be transferred by Grantor to the Conservation Property from any other property.

(c) Future Increases or Decreases. Any increase in allowable Development Rights associated with the Conservation Property and resulting from any cause, including, but not limited to, future changes in policies, laws, or regulations, shall accrue only to Grantee, except that Grantor shall be entitled to retain the Development Rights referred to in paragraph 5(a) and 6. If density is decreased by governmental action, the Grantee's Development Rights shall be decreased first and the Grantor's Development Rights shall be decreased only when all of Grantee's Development Rights have been eliminated by the governmental action.

6. Reserved Rights. Grantor reserves unto itself and to its successors and assigns all rights accruing from its ownership of the Conservation Property which are not specifically transferred and conveyed to the Grantee herein, provided that such retained rights are not specifically prohibited herein or inconsistent with the purposes of the Easement. Grantor specifically retains the right to engage in, or to permit or invite others to engage in, all uses of the Conservation Property which are not expressly prohibited herein or inconsistent with the purposes of the Easement. Without limiting the generality of the foregoing, the following rights relating to the Conservation Property are expressly reserved by Grantor, and its successors in interest:

(a) Residences. To construct, maintain, expand, renovate, restore, repair or replace new or existing residences in substantially their present locations within the Building



Areas, provided that Grantor shall give Grantee prior notice of such activities, save and except under circumstances requiring immediate action or remedy. Grantor reserves the right to place or construct additional residences in the Building Areas subject to Grantee's Approval; provided that all such residences shall not exceed 10,000 Square Feet each, and provided that all such residences shall not exceed a total of 30,000 Square Feet in the aggregate.

(b) Agricultural Buildings. To construct, maintain, expand, renovate, restore, repair or replace new or existing agricultural buildings, structures, and improvements in substantially their present locations within the Building Areas, provided that Grantor shall give Grantee prior notice of such activities, save and except under circumstances requiring immediate action or remedy. Grantor reserves the right to place or construct additional buildings, structures, and improvements for agricultural purposes in the Building Areas subject to Grantee's Approval; provided that all such buildings, structures and improvements shall not exceed a total of 55,000 Square Feet in the aggregate.

(c) Accessory Structures. To construct, maintain, expand, renovate, restore, repair or replace new or existing accessory structures, improvements and recreation facilities in the Building Areas including, without limitation, garages, pool cabanas, gazebos, swimming pools tennis courts and similar facilities. Notice is required for modifications to existing structures or improvements, and Grantee's Approval is required prior to the construction of any new structures or improvements. The square footage allotted to accessory structures shall be included in calculating the total square footage limit specified in paragraph 5(a). For the purposes of the Conservation Easement, any existing structures located outside the Building Areas such as, but not limited to, the sand filter shed, the cement feeding pad and the barn footprint shall not be included in calculating the total Square Footage limit specified in paragraph 5(a), as any maintenance of these structures is limited to their current location, size and approximate shape.

(d) Temporary Construction Facilities. Grantor may construct or use temporary facilities (e.g. a construction trailer/office) in connection with, and solely for the duration of, any construction of improvements authorized hereunder.

(e) New and Existing Utilities. To construct, maintain, expand, renovate, repair or replace existing new or existing utility systems, including, without limitation, water, sewer, power, fuel and communication lines and facilities without the requirement of undergrounding, provided that they are reasonably necessary to serve the improvements and/or to facilitate the uses retained by the Grantor pursuant to the Easement or are utility systems which are intended to be used to irrigate the Conservation Property.

7. Disputes and Remedies. If Grantee reasonably determines that Grantor, or Grantor's successors in interest or any occupant of the Conservation Property, is conducting or allowing a use, activity, or condition on the Conservation Property which is prohibited by the terms of the Easement, or that a violation thereof is threatened, Grantee shall notify Grantor of such violation and demand corrective action sufficient to cure the violation, and, where the violation involves actual or threatened injury to the Conservation Property resulting from any use or activity inconsistent with the purposes of the Easement, to restore the portion of the Conservation Property so injured.



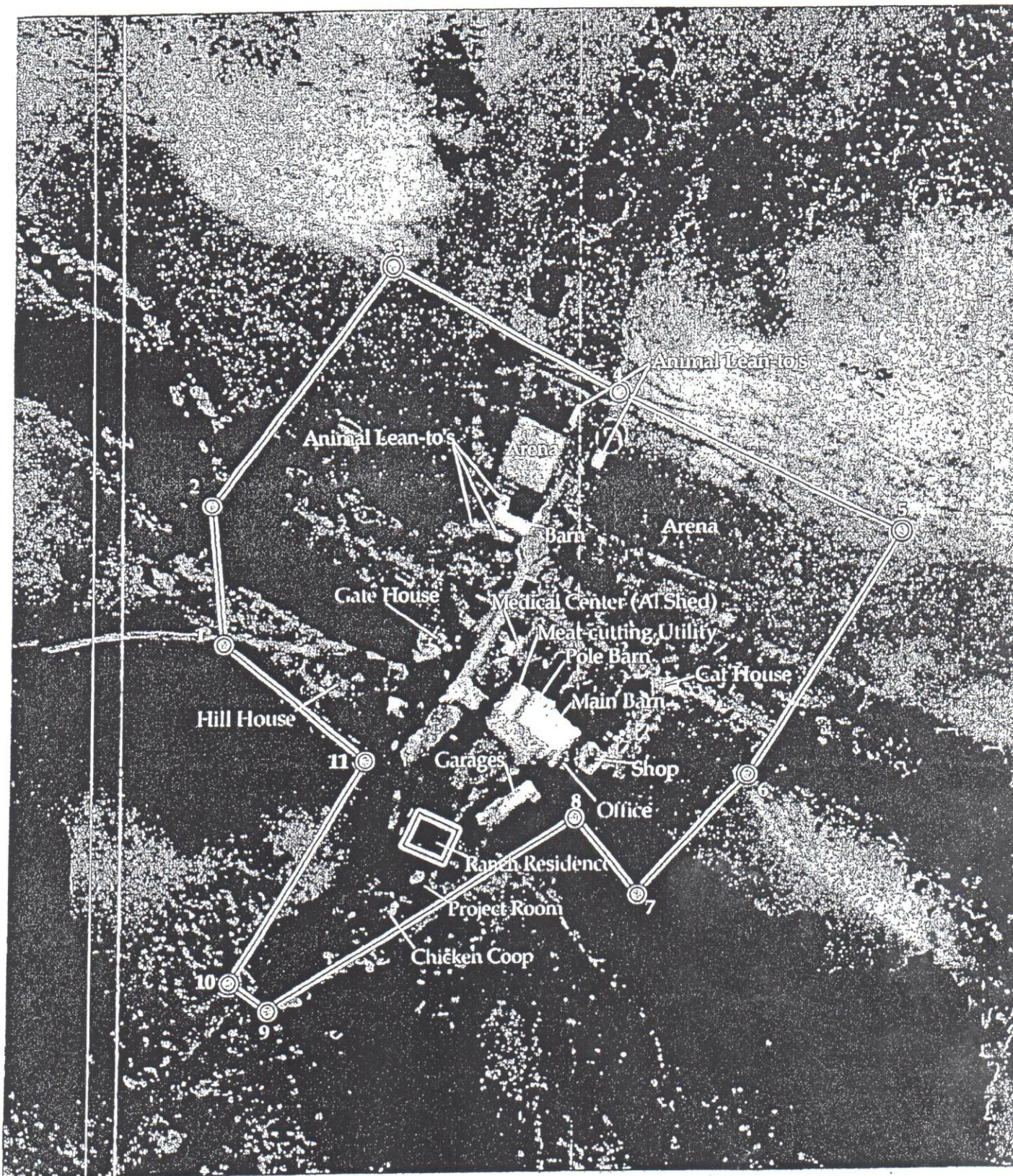





Exhibit D  
Map of Pomponio Ranch Building Area #1

-  Control Points
-  Building Area #1
-  Existing Residential Structure



Map date: 12/04/06  
Scale: 1:1,700  
Photo Date: December 2003  
Sources: USCS, Airphoto USA, San Mateo County, POST  
Derived from data that is Copyright 2006,  
San Mateo County, all rights reserved



COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT  
MITIGATED NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: Pomponio Ranch New Barn and Arena Renovation, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2013-00234

OWNER: Pomponio Ranch LLC

APPLICANTS:

Kerry L. Burke  
Burke Land Use  
34 Amesport Landing  
Half Moon Bay, CA 94019  
650/726-1738

Killian O'Sullivan  
O'Sullivan Architecture  
1505 Delores Street  
San Francisco, CA 94110  
415/577-8521

ASSESSOR'S PARCEL NO.: 082-100-060

LOCATION: 3300 Pomponio Creek Road, unincorporated San Gregorio Area of San Mateo County.

PROJECT DESCRIPTION

Coastal Development Permit (Appealable to the California Coastal Commission), Confined Animal Permit and Grading Permit for the construction of a new 9,500 sq. ft. barn for horse breeding use to replace an existing portable barn, consolidation/ renovation of existing arenas (where 2 arenas totaling 48,865 sq. ft. will be consolidated into a new 41,990 sq. ft. arena), and keeping of up to 21 horses. The project involves 330 cubic yards (c.y.) of cut, 330 c.y. of earth fill, and 1,555 c.y. of sand fill, and up to 2 acres of land disturbance. The project also involves the construction of a bioretention system along Pomponio Creek and a new leach field within an area of ruderal grassland. The project does not involve any tree removal.

FINDINGS AND BASIS FOR A MITIGATED NEGATIVE DECLARATION

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

1. The project, as mitigated, will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.



4. The project, as mitigated, will not have adverse impacts on traffic or land use.
5. In addition, the project, as mitigated, will not:
  - a. Create impacts which have the potential to degrade the quality of the environment.
  - b. Create impacts which achieve short-term environmental goals to the disadvantage of long-term environmental goals.
  - c. Create impacts for a project which are individually limited, but cumulatively considerable.
  - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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

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

**Mitigation Measure 1:** The applicant shall implement the following erosion control best management practices, as recommended by the project biologist, during all land disturbing and construction activities to protect water quality in Pomponio Creek:

- a. No erosion or sediment control measures will be placed in vegetated areas.
- b. Limit the area of soil disturbance to the amount of acreage that can be protected prior to a forecasted rain event and to the minimum area needed to complete the proposed action.
- c. Preserve existing vegetation whenever feasible.

**Mitigation Measure 2:** The applicant shall implement the following avoidance and minimization measures to prevent impacts to both CRLF and SFGS:

- a. Wildlife exclusion fencing should be erected and maintained between the stormwater protection swale and the riparian habitat to prevent SFGS and CRLF from dispersing onto the site. Fencing is not required around the proposed septic line area due to distance from suitable habitat and lack of cover. Once the fencing is installed and within 48 hours of the start of ground-disturbing activities, a qualified biologist will perform a pre-construction survey of the Project Area to ensure that no CRLF or SFGS individuals are present. Fencing should extend a minimum of 36 inches above ground level and be buried 4 inches to 6 inches below ground. Upon completion of the Project, all fencing material will be removed from the site and disposed of properly.
- b. Pre-construction surveys should be performed immediately prior to the start of any ground breaking activities by a qualified biologist as stated above. If CRLF or SFGS are found within the Project Area, all work will cease until the individual(s) have been allowed to leave the Project Area on their own and the fence has been repaired. If the

CRLF or SFGS individual(s) cannot passively leave the Project Area, work will cease and the USFWS will be contacted to determine the appropriate course of action.

- c. Tightly woven fiber netting or similar material should be used for erosion control or other purposes at the Project to ensure that the CRLF and SFGS do not get trapped. This limitation should be communicated to the contractor. Plastic mono-filament netting (erosion control matting), rolled erosion control products or similar material should not be used because CRLF, SFGS, and other species may become entangled or trapped in it.
- d. Because dusk and dawn are often the times when CRLF are most active and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour before sunrise. Furthermore, no work shall occur during rain events when either species is likely dispersing.

**Mitigation Measure 3:** The applicant shall implement the following recommendations to minimize project impacts to special-status bird species and native bird species:

- a. If work is to be conducted within 100 feet of the riparian corridor during the nesting season (February 15 - August 31), a pre-construction breeding bird survey should be performed no more than 14 days prior to initial ground disturbance to avoid impacting active nests, eggs, and/or young.
- b. If the survey identifies any active nest, an exclusion buffer should be established for protection of the nest and young. Buffer distance will vary based on species and conditions at the site, but typically ranges between 25 feet and up to 600 feet. The biologist shall establish an appropriate buffer if necessary; the buffer should be maintained until all young have fledged. Impacts to nesting birds can be avoided if potential activities are initiated outside of the nesting season (September 1 - January 31).

**Mitigation Measure 4:** Prior to the Current Planning Section's approval of the building permit for the new barn, the applicant shall demonstrate compliance with the following:

- a. Untreated project drainage shall not be directed to the riparian corridor or the creek or areas directly connected to the riparian corridor or the creek.
- b. The septic line and leach field shall be located a minimum of 200 ft. from creek and riparian areas.

**Mitigation Measure 5:** Prior to the issuance of the grading permit "hard card," the applicant shall submit an archeological study of the project site. The study shall also show the results of attempts to contact local Native American tribe(s) regarding traditional, cultural, and religious heritage values.

**Mitigation Measure 6:** A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.

**Mitigation Measure 7:** Use existing roads to the maximum extent feasible to avoid additional surface disturbance.

**Mitigation Measure 8:** During all phases of the project, keep equipment and vehicles within the limits of the previously disturbed areas of the project site. All areas to remain undisturbed shall be delineated on the Erosion Control Plan, and the plan shall include measures, such as a fence or other kind of barrier, to demarcate the “limit of disturbance.” The property owner shall demonstrate the implementation of these measures prior to issuance of the grading permit “hard card.”

**Mitigation Measure 9:** The property owner, applicant, and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

**Mitigation Measure 10:** Prior to the Planning and Building Department’s Geotechnical Section’s approval of the building permit for the new barn, the applicant shall demonstrate project compliance with the recommendations presented in the Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013, and any other subsequent geotechnical reports relating to this project.

**Mitigation Measure 11:** For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30) 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/mitigation measures, 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 the Current Planning Section.

**Mitigation Measure 12:** Prior to any land disturbance and throughout the grading operation, the property owner shall implement the approved erosion control plan, as prepared and signed by the engineer of record. Prior to the issuance of the grading permit “hard card,” the applicant shall revise the Erosion Control Plan dated July 19, 2013, to include the proposed measures and additional measures as follows, subject to the review and approval of the Community Development Director:

- a. Revise plan to comply with mitigation measures related to biological resources, such as Mitigation Measures 1 and 15, and this mitigation measure. Prior to issuance of the

grading permit “hard card,” the applicant shall have the erosion and sediment control plan reviewed and approved by the project biologist.

- b. Show the “limits of work” in your plans. Show protection for areas that will not be disturbed during construction. Show barriers along the “limit,” such as orange barrier fencing or other measures as approved by the biologist. Forbid work, storage, earthmoving, vegetation clearing, and other disturbance outside of these areas.
- c. Show protection of temporary stockpiles. Use anchored-down plastic sheeting in dry weather. In wet weather, or for longer storage, use seeding and mulching, soil blankets or mats.
- d. Use diversion berms to divert water from unstable or denuded areas (e.g., top and base of a disturbed slope, grade breaks where slopes transition to a steeper slope).
- e. Direct water from construction areas to designated temporary filtration/detention areas.
- f. Show location of office trailer(s), storage sheds, temporary power pole, scaffold footprint, and other temporary installations on the plans (as applicable). Show how they will be accessed and show protection of the access routes.
- g. Show Location of utility trenches, indicate utility types, and identify timing of installation.
- h. Show containment/protection of storage areas during work, as well as afterhours/weekends). Show how they will be accessed and show protection of the access routes.
- i. Please provide an Erosion Control Point of Contact including name, title/qualifications, email, and two phone numbers. This person will be responsible for erosion control at the site and will be the County’s main point of contact if corrections are required.
- j. Show how disturbed areas (i.e., areas of removed horse stalls, portable barn, gravel road, temporary access routes around new barn and arena, and utility trenches) will be revegetated (including seed type and timing of application) or stabilized when disturbance activities in those areas have ceased.

**Mitigation Measure 13:** As the project involves over 1 acre of land disturbance, the property owner shall file a Notice of Intent (NOI) with the State Water Resources Board to obtain coverage under the State General Construction Activity NPDES Permit. A copy of the project’s NOI, WDID Number, and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section and the Building Inspection Section, prior to the issuance of the grading permit “hard card.”

**Mitigation Measure 14:** No grading shall be allowed during the winter season (October 1 - April 30) or during any rain event to avoid potential soil erosion. An applicant-completed and County-issued grading permit “hard card” is required prior to the start of any land disturbance/grading operations. Along with the “hard card” application, the applicant shall submit a letter to the Current Planning Section, at least two (2) weeks prior to

commencement of grading, stating the date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation and estimated date of establishment of newly planted vegetation.

**Mitigation Measure 15:** The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including, but not limited to, the following:

- a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earthmoving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.

- n. 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.

**Mitigation Measure 16:** 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.

**Mitigation Measure 17:** Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for compliance with this dust control requirement. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.

**Mitigation Measure 18:** Prior to the Building Inspection Section's approval of a building permit for the new barn, the applicant shall demonstrate compliance with Section 6825.1. D (Areas of Special Flood Hazard) of the County Zoning Regulations including, but not limited to, a) the construction of structures such that the lowest floor is elevated to or above the regulatory flood-protection elevation; and b) the development is in compliance with applicable Standards of Construction contained in Section 8131 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.

**Mitigation Measure 19:** The property owner shall comply with the following road access requirements:

- a. The use of the existing road system shall be certified to support the imposed load(s) of 75,000 lbs.
- b. Signs shall be placed on both sides of the Western Bridge with identification of the certified load carrying capacity.
- c. Signs shall be placed on the approach to the Western Bridge identifying the fire access road location for vehicles exceeding the weight capacity of the bridge.

**RESPONSIBLE AGENCY CONSULTATION**

State Water Resources Control Board

**INITIAL STUDY**

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

**REVIEW PERIOD:** December 12, 2013 to January 17, 2014.

All comments regarding the correctness, completeness, or adequacy of this Mitigated Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., January 17, 2014.**

CONTACT PERSON

Camille Leung, Project Planner  
650/363-1826  
[cleung@smcgov.org](mailto:cleung@smcgov.org)

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Camille Leung, Project Planner

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County of San Mateo  
Planning and Building Department

**INITIAL STUDY**  
**ENVIRONMENTAL EVALUATION CHECKLIST**  
(To Be Completed by Planning Department)

1. Project Title: Pomponio Ranch New Barn and Arena Renovation
2. County File Number: PLN 2013-00234
3. Lead Agency Name and Address: County of San Mateo, Planning and Building Department, 455 County Center, 2nd Floor, Redwood City, CA 94063
4. Contact Person and Phone Number: Camille Leung, Project Planner, 650/363-1826
5. Project Location: 3300 Pomponio Creek Road, unincorporated San Gregorio Area of San Mateo County
6. Assessor's Parcel Number and Size of Parcel: 082-100-060 (subject parcel is 219 acres of a larger 2,236-acre property)
7. Project Sponsors' Name and Address:  
  
Kerry L. Burke  
Burke Land Use  
34 Amesport Landing  
Half Moon Bay, CA 94019  
650/726-1738  
  
Killian O'Sullivan  
O'Sullivan Architecture  
1505 Delores Street  
San Francisco, CA 94110  
415/577-8521
8. General Plan Designation: Agriculture
9. Zoning: Planned Agricultural District/Coastal Development District (PAD/CD)
10. Description of the Project: Coastal Development Permit (Appealable to the California Coastal Commission), Confined Animal Permit and Grading Permit for the construction of a new 9,500 sq. ft. barn for horse breeding use to replace an existing portable barn, consolidation/renovation of existing arenas (where 2 arenas totaling 48,865 sq. ft. will be consolidated into a new 41,990 sq. ft. arena), and keeping of up to 21 horses. Project involves 330 cubic yards (c.y.) of cut, 330 c.y. of earth fill, and 1555 c.y. of sand fill, and up to 2 acres of land disturbance. The project also involves the construction of a bioretention system along Pomponio Creek and a new leach field within an area of ruderal grassland. The project does not involve any tree removal.



11. Surrounding Land Uses and Setting: The Pomponio Ranch consists of a cattle ranch and horse breeding and training facility, located on a 2,236-acre property on Pomponio Creek Road (east of Stage Road). Pomponio Creek runs through a northern section of the property. Existing buildings, all located in an area along Pomponio Creek, include, but are not limited to, an existing portable barn, other barn structures, an abattoir, a garage structure, ranch manager's house, various accessory structures, farm labor housing which is under construction, and two horse arenas. Other areas of the property are largely undeveloped and are used for cattle grazing.
12. Other Public Agencies Whose Approval is Required: State Water Resources Control Board.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Significant Unless Mitigated" as indicated by the checklist on the following pages.

	Aesthetics	X	Climate Change		Population/Housing
	Agricultural and Forestry Resources	X	Hazards and Hazardous Materials		Public Services
	Air Quality	X	Hydrology/Water Quality		Recreation
X	Biological Resources		Land Use/Planning	X	Transportation/Traffic
X	Cultural Resources		Mineral Resources	X	Utilities/Service Systems
X	Geology/Soils		Noise	X	Mandatory Findings of Significance

**EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in 5. below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. Sources used or individuals contacted should be cited in the discussion.

1. <b>AESTHETICS.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Have a significant adverse effect on a scenic vista, views from existing residential areas, public lands, water bodies, or roads?			X	
Discussion: <b>The proposed development would be clustered with existing development at the property and replaces structures that already exist at the site. Therefore, views of the site would not change significantly.</b> Source: <b>County Scenic Corridor Maps; Project Plans.</b>				
b. Significantly damage or destroy scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	

<p>Discussion: <b>The proposed development would be clustered with existing development at the property and replaces structures that already exist at the site. The project does not involve the removal of trees or damage to rock outcroppings or historic buildings. Therefore, the project would not significantly damage or destroy scenic resources.</b></p> <p>Source: <b>County Scenic Corridor Maps; Project Plans.</b></p>					
c.	Significantly degrade the existing visual character or quality of the site and its surroundings, including significant change in topography or ground surface relief features, and/or development on a ridgeline?			X	
<p>Discussion: <b>The project would not significantly degrade the existing visual character or quality of the site and its surroundings, as the new barn would replace an existing portable barn in generally the same area. The arena consolidation project would also result in minimal changes to the existing visual character and quality of the site and its surroundings. While the project does involve significant grading, excavation would take place mostly in existing arena areas and also involves the importation of sand, resulting in little change to the existing topography. Grading does not involve harsh cutting or terracing practices and, as proposed, new contours would blend with existing contours in the project vicinity.</b></p> <p>Source: <b>Project Plans.</b></p>					
d.	Create a new source of significant light or glare that would adversely affect day or nighttime views in the area?			X	
<p>Discussion: <b>The new barn and arena will replace existing barn and arena uses. Proposed exterior lighting will be mounted on the exterior of the new barn and will be shielded and down lit. The project does not involve the addition of new outdoor freestanding light sources. Therefore, the project does not create a new source of significant light or glare that would adversely affect day or nighttime views in the area.</b></p> <p>Source: <b>Project Plans.</b></p>					
e.	Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?				X
<p>Discussion: <b>The proposed development is not adjacent to a designated Scenic Highway or within a State or County Scenic Corridor.</b></p> <p>Source: <b>County Scenic Corridor Maps; Project Plans.</b></p>					
f.	If within a Design Review District, conflict with applicable General Plan or Zoning Ordinance provisions?				X
<p>Discussion: <b>The property is not located within a Design Review District.</b></p> <p>Source: <b>County Zoning Maps.</b></p>					

g. Visually intrude into an area having natural scenic qualities?			X	
<p>Discussion: <b>The project area is adjacent to Pomponio Creek. However, the area is largely developed. The new arena and barn will replace structures used for similar purposes in the immediate area. While the new barn is larger than the existing portable barn that will be removed, the new barn will be located further from the creek and will be more visually appealing.</b></p> <p>Source: <b>Project Plans.</b></p>				

<p><b>2. AGRICULTURAL AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forestland, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. For lands outside the Coastal Zone, convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
<p>Discussion: <b>The property is located in the Coastal Zone.</b></p> <p>Source: <b>General Plan Land Use Maps and County Prime Soils Maps.</b></p>				
b. Conflict with existing zoning for agricultural use, an existing Open Space Easement, or a Williamson Act contract?			X	
<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>County Assessor's Office GIS Database; California Department of Food and Agriculture; Williamson Act Contract for property; POST Open Space Easement Map; Project Plans.</b></p>				

c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?			X	
<p>Discussion: <b>With the exception of a concentrated area of development outside of the POST easement (described in the Answer to Question 2.b above), the property is largely undeveloped and used primarily for cattle grazing. While the area of the proposed barn is undeveloped, it is a relatively small area bounded by existing development, a grassy swale to the southeast and foothills to the north. The area is disturbed and is not used for grazing or farming. The location of the proposed septic leach field is located in an area used for growing hay and cattle grazing. While a portion of this area will be converted to a leach field use, the area adjoins development and is only a small portion of the 2,236-acre property, most of which is used for farming and grazing. Therefore, while the project would result in the conversion of Farmland (containing prime soils) to a non-agricultural use, the area is small, adjoins development, and is located outside of the POST open space easement which protects most of the farm and grazing lands at the property. No mitigation measures are necessary.</b></p> <p>Source: <b>Prime Soils Map; Site Observation; Project Plans.</b></p>				
d. For lands within the Coastal Zone, convert or divide lands identified as Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?			X	
<p>Discussion: <b>The site is located in the Coastal Zone and contains prime agricultural land, which includes, but is not limited to “all land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes.”<sup>1</sup> While the project involves the conversion of prime agricultural land to a non-agricultural use, the area is small, adjoins development, and is located outside of the POST open space easement which protects most of the farm and grazing lands at the property. No mitigation measures are necessary.</b></p> <p>Source: <b>U.S. Department of Agriculture; Local Coastal Program, 2013.</b></p>				
e. Result in damage to soil capability or loss of agricultural land?			X	
<p>Discussion: <b>See the Answers to Questions 2.c and 2.d, above.</b></p> <p>Source: <b>County Prime Soils Maps; Project Plans; Site Observation.</b></p>				
f. Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined				X

1 County's Local Coastal Program, 2013.

<p>by Government Code Section 51104(g))?</p> <p><i>Note to reader: This question seeks to address the economic impact of converting forestland to a non-timber harvesting use.</i></p>				
<p>Discussion: <b>The project area does not contain forest land or timberland.</b></p> <p>Source: <b>County Zoning Maps; Site Observation.</b></p>				

<p><b>3. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
<p>Discussion: <b>The project involves earthwork associated with the construction of a new arena and barn. The Bay Area Air Quality Management District (BAAQMD) exempts construction of a building or structure that is not itself a source requiring a permit. (Regulation 2-1-113).</b></p> <p>Source: <b>BAAQMD, Regulation 2, Permits, Rule 1, General Requirements.</b></p>				
b. Violate any air quality standard or contribute significantly to an existing or projected air quality violation?				X
<p>Discussion: <b>The project involves earthwork associated with the construction of a new arena and barn. The Bay Area Air Quality Management District (BAAQMD) exempts construction of a building or structure that is not itself a source requiring a permit. (Regulation 2-1-113).</b></p> <p>Source: <b>BAAQMD, Regulation 2, Permits, Rule 1, General Requirements.</b></p>				
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
<p>Discussion: <b>The project involves earthwork associated with the construction of a new arena and barn. The Bay Area Air Quality Management District (BAAQMD) exempts construction of a building or structure that is not itself a source requiring a permit. (Regulation 2-1-113).</b></p> <p>Source: <b>BAAQMD, Regulation 2, Permits, Rule 1, General Requirements.</b></p>				
d. Expose sensitive receptors to significant pollutant concentrations, as defined by BAAQMD?			X	

Discussion: **The project may result in short-term, grading-related emissions and dust associated with the land disturbance of approximately 2 acres of land. However, it is unlikely that the project would generate significant pollutant concentrations, as defined by BAAQMD. Additionally, the site is in a remote rural location with few sensitive receptors located within the project vicinity. See the Answer to Question 6.b. for requirements for dust control mitigation. No additional mitigation measures are necessary.**

Source: **Site Observation; County Assessor's Office GIS Database.**

e.	Create objectionable odors affecting a significant number of people?				X
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Discussion: **The project may result in short-term, grading-related odors associated with the land disturbance of approximately 2 acres of land. The site is in a remote rural location with few sensitive receptors located within the project vicinity.**

Source: **Project Plans; County Assessor's Office GIS Database.**

f.	Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?			X	
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Discussion: **The project may result in short-term, grading-related emissions and dust associated with the land disturbance of approximately 2 acres of land. However, it is unlikely that the project would generate pollutants at a level that would violate existing standards of air quality on-site or in the surrounding area. Additionally, the site is in a remote rural location with few sensitive receptors located within the project vicinity. See the Answer to Question 6.b for requirements for dust control mitigation. No additional mitigation measures are necessary.**

Source: **Project Plans; County Assessor's Office GIS Database.**

**4. BIOLOGICAL RESOURCES.** Would the project:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Have a significant adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		

<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>Biological Resources Assessment Report, WRA Environmental Consultants (Attachment J); Project Manure Management Plan; Project Plans.</b></p>				
<p>b. Have a significant adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>		X		
<p>Discussion: <b>See the Answer to Question 4.a, above.</b></p> <p>Source: <b>Project Manure Management Plan; Project Plans.</b></p>				
<p>c. Have a significant adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>				X
<p>Discussion: <b>The project does not involve the direct removal, filling, hydrological interruption, or other means of wetland removal. See the Answers to Questions 4.a and 4.b for a discussion of potential project impact to Pomponio Creek.</b></p> <p>Source: <b>Project Plans; Site Observation.</b></p>				
<p>d. Interfere significantly with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>		X		
<p>Discussion: <b>As discussed in the Answer to Question 4.a, the project could impact California red-legged frog (CRLF) dispersal habitat. See the Answer to Question 4.a for further discussion and mitigation measures.</b></p> <p>Source: <b>Project Plans; Site Observation.</b></p>				
<p>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (including the County Heritage and Significant Tree Ordinances)?</p>				X



Discussion: **The project, as proposed and mitigated, would not conflict with any local policies or ordinances protecting biological resources, including the Resource Management (RM) Zoning District Development Review Criteria. The project does not involve the removal of any protected trees (trees over 55" in circumference).**

Source: **Environmental Information Form, received on June 11, 2013; Project Plans.**

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or State habitat conservation plan?			X	
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Discussion: **On November 13, 2013, WRA, Inc. (WRA) conducted a biological resources assessment within the Pomponio Ranch Project Area. WRA observed two biological communities, 40 plant species and 16 wildlife species. One sensitive biological community type was identified adjacent to the Project Area; however, the proposed project is a permitted use under the San Mateo County Local Coastal Plan. No special-status wildlife or plant species have a moderate or high potential to occur within the Pomponio Ranch Project Area, and no Environmentally Sensitive Habitat Areas (ESHAs) are present. The Project Area is within designated Critical Habitat (unit SNM-2) for California red-legged frog (*Rana draytonii*) and is dispersal habitat for both California red-legged frog and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*). As described in the Answer to Question 4.a, above, the proposed Project will not alter or permanently impact Critical Habitat and no take of listed species is anticipated. The proposed septic line will be constructed 200 feet from the riparian area, cause minimal land disturbance, and result in no permanent impacts.**

**The property is subject to a POST open space easement which covers areas outside of existing areas of development. The project does not conflict with this easement as it is located within existing areas of development. As mitigated, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State habitat conservation plan.**

Source: **Biological Resources Assessment Report, WRA Environmental Consultants (Attachment J); POST Open Space Easement Map; Project Plans.**

g. Be located inside or within 200 feet of a marine or wildlife reserve?				X
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Discussion: **The property is an operating ranch and does not include any areas of marine or wildlife reserve.**

Source: **Project Plans.**

h. Result in loss of oak woodlands or other non-timber woodlands?				X
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Discussion: **The project does not involve the removal of protected trees (trees over 55" in circumference) or woodland areas.**

Source: **Environmental Information Form, received on June 11, 2013; Project Plans.**

<b>5. CULTURAL RESOURCES.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Cause a significant adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?				X
<p>Discussion: <b>The project includes the removal of a portable barn and two horse arenas of no historical significance.</b></p> <p>Source: <b>Project Plans; Results of a record search by the California Historical Resources Information System (CHRIS) for the property, dated August 1, 2013.</b></p>				
b. Cause a significant adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?		X		
<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>Results of a record search by the California Historical Resources Information System (CHRIS) for the property, dated August 1, 2013.</b></p>				
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>Tribal Energy and Environmental Information Clearinghouse Website: <a href="http://teeic.anl.gov/er/wind/mitigation/paleo/index.cfm">http://teeic.anl.gov/er/wind/mitigation/paleo/index.cfm</a></b></p>				
d. Disturb any human remains, including those interred outside of formal cemeteries?		X		
<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>Project Plans.</b></p>				

6. <b>GEOLOGY AND SOILS.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Expose people or structures to potential significant adverse effects, including the risk of loss, injury, or death involving the following, or create a situation that results in:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other significant evidence of a known fault?  <i>Note: Refer to Division of Mines and Geology Special Publication 42 and the County Geotechnical Hazards Synthesis Map.</i>			X	
<p>Discussion: <b>The site is not located in an Alquist-Priolo special studies area or zone where fault rupture is considered likely (California Division of Mines and Geology, 1974). Therefore, active faults are not believed to exist beneath the site, and the potential for fault rupture to occur at the site is low, in the opinion of Sigma Prime Geosciences, Inc.</b></p> <p>Source: <b>Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.</b></p>				
ii. Strong seismic ground shaking?		X		
<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.</b></p>				
iii. Seismic-related ground failure, including liquefaction and differential settling?			X	
<p>Discussion: <b>Differential compaction occurs during moderate and large earthquakes when soft or loose, natural, or fill soils are densified and settle, often unevenly across a site. In the opinion of Sigma Prime Geosciences, Inc., due to the stiff clay underlying the site, the likelihood of significant damage to the structure from differential compaction is low.</b></p> <p><b>Liquefaction occurs when loose, saturated sandy soils lose strength and flow like a liquid during earthquake shaking. Ground settlement often accompanies liquefaction. Soils most susceptible to liquefaction are saturated, loose, silty sands, and uniformly graded sands. Loose, saturated, silty sands were not encountered at the site. Therefore, in the opinion of Sigma Prime Geosciences, Inc., the likelihood of liquefaction occurring at the site is low.</b></p> <p>Source: <b>Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.</b></p>				

iv. Landslides?			X	
<p>Discussion: <b>The project site is located within a canyon in a flat area. No earth movement or construction is proposed in hilly areas, so risk of landslide is low.</b></p> <p>Source: <b>Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.</b></p>				
v. Coastal cliff/bluff instability or erosion?  <i>Note to reader: This question is looking at instability under current conditions. Future, potential instability is looked at in Section 7 (Climate Change).</i>				X
<p>Discussion: <b>The project site is not located on or adjacent to a coastal bluff.</b></p> <p>Source: <b>Site Observation.</b></p>				
b. Result in significant soil erosion or the loss of topsoil?		X		
<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>Project Plans.</b></p>				
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, severe erosion, liquefaction or collapse?		X		
<p>Discussion: <b>The project site is located within a canyon in a flat area. No earth movement or construction is proposed in hilly areas, so risk of landslide is low.</b></p> <p><b>Liquefaction occurs when loose, saturated sandy soils lose strength and flow like a liquid during earthquake shaking. Ground settlement often accompanies liquefaction. Soils most susceptible to liquefaction are saturated, loose, silty sands, and uniformly graded sands. Loose, saturated silty sands were not encountered at the site. Therefore, in the opinion of Sigma Prime Geosciences, Inc., the likelihood of liquefaction occurring at the site is low.</b></p> <p><b>Risk of lateral spreading, subsidence, and collapse are not identified as potentially significant impacts by the project geotechnical engineer.</b></p> <p><b>Risk of project-related erosion is discussed in the Answer to Question 6.b of this report. No additional mitigation measures are required.</b></p> <p>Source: <b>Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.</b></p>				
d. Be located on expansive soil, as noted in the 2010 California Building Code, creating significant risks to life or property?				X

<p>Discussion: <b>Risk from project location on expansive soils is not identified as potentially significant impact by the project geotechnical engineer.</b></p> <p>Source: <b>Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.</b></p>					
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X	
<p>Discussion: <b>The project involves the construction of a septic system. Based on their soils study, Sigma Prime Geosciences, Inc. states that the site is underlain by about 10 feet of gravelly clay. While this may result in a fairly low percolation rate, the proposed barn design will require a small septic system. Also, the subject parcel is very large and can accommodate the necessary leach field or an alternative system. Therefore, with proper design, the site soils will be capable of supporting a septic system per the requirements of Environmental Health. No mitigation measure are required.</b></p> <p>Source: <b>Email Correspondence with Sigma Prime Geosciences, Inc., dated December 9, 2013; Project Plans.</b></p>					

<b>7. CLIMATE CHANGE.</b> Would the project:					
		<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a.	Generate greenhouse gas (GHG) emissions (including methane), either directly or indirectly, that may have a significant impact on the environment?			X	
<p>Discussion: <b>Proposed grading, including import of 1555 c.y. of sand, would result in the temporary generation of GHG emissions along the haul route and at the rural project site. In general, construction involves GHG emissions mainly from exhaust from vehicle trips (e.g., construction vehicles and personal cars of construction workers). Due to the site's rural location and assuming construction vehicles and workers are based in urban areas, potential project GHG emission levels from construction would be increased from general levels. However, the proposal includes measures that would reduce vehicle trips and associated GHG emissions, as the project does not involve the disposal or distribution of grading spoils to any off-site location (330 cubic yards of balanced cut and fill). The project does not involve the removal of protected trees (trees over 55" in circumference). The project complies with the San Mateo County Climate Action Plan (EECAP) in that the new barn would comply with the County's Green Building Ordinance.</b></p> <p>Source: <b>Project Plans; San Mateo County Climate Action Plan (EECAP).</b></p>					
b.	Conflict with an applicable plan (including a local climate action plan), policy or				X

regulation adopted for the purpose of reducing the emissions of greenhouse gases?				
Discussion: <b>The project complies with the San Mateo County Climate Action Plan (EECAP) in that the new barn would comply with the County's Green Building Ordinance.</b>				
Source: <b>San Mateo County Climate Action Plan (EECAP).</b>				
c. Result in the loss of forestland or conversion of forestland to non-forest use, such that it would release significant amounts of GHG emissions, or significantly reduce GHG sequestering?				X
Discussion: <b>The project area does not contain forest land.</b>				
Source: <b>Site Observation.</b>				
d. Expose new or existing structures and/or infrastructure (e.g., leach fields) to accelerated coastal cliff/bluff erosion due to rising sea levels?				X
Discussion: <b>The project is not located on or adjacent to a coastal cliff or bluff.</b>				
Source: <b>Site Observation.</b>				
e. Expose people or structures to a significant risk of loss, injury or death involving sea level rise?				X
Discussion: <b>The project is not located on or adjacent to the San Francisco Bay or Pacific Ocean.</b>				
Source: <b>Site Observation.</b>				
f. Place structures within an anticipated 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?		X		
Discussion: <b>See Questions and Answers Section for discussion.</b>				
Source: <b>FEMA Panel No. 06081C0390E, effective date October 16, 2012.</b>				
g. Place within an anticipated 100-year flood hazard area structures that would impede or redirect flood flows?			X	
Discussion: <b>See Questions and Answers Section for discussion.</b>				
Source: <b>FEMA Panel No. 06081C0390E, effective date October 16, 2012.</b>				

<b>8. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (e.g., pesticides, herbicides, other toxic substances, or radioactive material)?				X
<p>Discussion: <b>The proposed use, horse breeding and training, does not involve the routine transport, use, or disposal of hazardous materials, such it would create a significant hazard to the public or the environment.</b></p> <p>Source: <b>Project Plans.</b></p>				
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
<p>Discussion: <b>The proposed use, horse breeding and training, does not directly involve the use or storage of a substantial amount of hazardous materials, such that it would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.</b></p> <p>Source: <b>Project Plans.</b></p>				
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
<p>Discussion: <b>The project would not emit hazardous emissions nor does it involve the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. As the subject parcel is 219 acres of a larger 2,236-acre property, the project site is not located near an existing or proposed school.</b></p> <p>Source: <b>Project Plans; Area Map.</b></p>				
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X

<p>Discussion: <b>The project site is not a listed hazardous materials site.</b></p> <p>Source: <b>DTSC's Hazardous Waste and Substances Site List, <a href="http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm">http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm</a></b></p>					
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?				X
<p>Discussion: <b>The site is not located within an area regulated by an airport land use plan nor is it located within 2 miles of a public airport or public use airport.</b></p> <p>Source: <b>Area Maps.</b></p>					
f.	For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?				X
<p>Discussion: <b>The project involves the construction of a barn that is 31 feet in height on flat land within an existing canyon. Therefore, the project is not likely to result in safety hazard(s) associated with the operation of a private airstrip, if such an airstrip existed nearby.</b></p> <p>Source: <b>Project Plans.</b></p>					
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		X		
<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>Letter from Cal-Fire, dated September 5, 2013, regarding Alternate Methods or Materials for 3300 Pomponio Creek Road; Project Plans.</b></p>					
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>Discussion: <b>The project site is located in a rural area and is not adjacent to any urbanized areas. Cal-Fire has reviewed and approved the Project Plans. See Answer to the Answer to Question 8.g for further discussion.</b></p> <p>Source: <b>Project Plans; Area Maps.</b></p>					



i. Place housing within an existing 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
<p>Discussion: <b>The site is located in Zone X (area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level) and Zone A (Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage). However, the project does not involve the construction of housing.</b></p> <p>Source: <b>FEMA Panel No. 06081C0390E, effective date October 16, 2012.</b></p>				
j. Place within an existing 100-year flood hazard area structures that would impede or redirect flood flows?			X	
<p>Discussion: <b>See answer to the Answer to Question 7.g, above.</b></p> <p>Source: <b>FEMA Panel No. 06081C0390E, effective date October 16, 2012.</b></p>				
k. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?		X		
<p>Discussion: <b>See answer to the Answer to Question 7.f, above.</b></p> <p>Source: <b>FEMA Panel No. 06081C0390E, effective date October 16, 2012.</b></p>				
l. Inundation by seiche, tsunami, or mudflow?				X
<p>Discussion: <b>Risk of inundation by seiche, tsunami, or mudflow is considered nil, as the project site is not located near any large bodies of water.</b></p> <p>Source: <b>Area Maps.</b></p>				

<b>9. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Violate any water quality standards or waste discharge requirements (consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash))?		X		
<p>Discussion: <b>Due to proposed grading at the project site, the project has the potential to generate sediment polluted stormwater. See answer to the Answer to Question 6.b.</b></p> <p>Source: <b>Project Plans.</b></p>				
b. Significantly deplete groundwater supplies or interfere significantly with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
<p>Discussion: <b>The project would not rely on a well, but on water from a nearby reservoir and an existing domestic spring water system (surface water) at the property. Use of surface water for domestic use is regulated by the County Environmental Health Division, who will require on-going treatment and maintenance. As the project does not rely on the use of groundwater, the project would not significantly deplete groundwater supplies or interfere significantly with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.</b></p> <p>Source: <b>Project Plans; Email correspondence with Applicant, dated October 8, 2013; Correspondence with the Environmental Health Division, dated October 13, 2013.</b></p>				
c. Significantly alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in significant erosion or siltation on- or off-site?			X	
<p>Discussion: <b>The project does not involve alteration of the course of a stream or river. Drainage patterns will be altered by proposed grading and construction of impervious surface. The project is required to demonstrate compliance with the County's Drainage</b></p>				

**Policy and Provision C.3 of the San Francisco Bay Region Municipal Regional Permit, which requires treatment of project generated stormwater. Compliance with these regulations is mandatory and would ensure that drainage patterns are not significantly altered and would prevent significant erosion or siltation on- or off-site.**

Source: **Project Plans; San Francisco Bay Region Municipal Regional Permit.**

d. Significantly alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or significantly increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

X

**Discussion: The project does not involve alteration of the course of a stream or river. Drainage patterns will be altered by proposed grading and construction of impervious surface. The project is required to demonstrate compliance with the County's Drainage Policy and Provision C.3 of the San Francisco Bay Region Municipal Regional Permit, which requires treatment of project generated stormwater. Compliance with these regulations is mandatory and would ensure that drainage patterns are not significantly altered and would prevent a significant increase in the rate or amount of surface runoff.**

Source: **Project Plans; San Francisco Bay Region Municipal Regional Permit.**

e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide significant additional sources of polluted runoff?

X

**Discussion: The project would result in approximately 16,784 sq. ft. of new impervious surface and associated run-off. The project is required to demonstrate compliance with the County's Drainage Policy and Provision C.3 of the San Francisco Bay Region Municipal Regional Permit, which requires treatment of project generated stormwater. Compliance with these regulations is mandatory and would minimize impacts to existing or planned storm-water drainage systems or creation of significant additional sources of polluted runoff.**

Source: **Project Plans; San Francisco Bay Region Municipal Regional Permit.**

f. Significantly degrade surface or ground-water water quality?

X

**Discussion: Compliance with the County's Drainage Policy and Provision C.3 of the San Francisco Bay Region Municipal Regional Permit is mandatory and would prevent the significant degradation of surface water quality. Free groundwater was not encountered in either soil boring. Groundwater is not expected to impact the construction.**

Source: **Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.**

g. Result in increased impervious surfaces and associated increased runoff?

X

Discussion: **The project would result in approximately 16,784 sq. ft. of new impervious surface and associated run-off. However, the applicant proposes to construct new stormwater treatment facilities, as required by Provision C.3 of the Municipal Regional Permit. Facility construction would minimize impacts to stormwater.**

Source: **Project Plans; San Francisco Bay Region Municipal Regional Permit.**

**10. LAND USE AND PLANNING.** Would the project:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Physically divide an established community?				X
<p>Discussion: <b>The project site is located on an existing ranch, where the new barn and arena would replace existing comparable structures in approximately the same location.</b></p> <p>Source: <b>Project Plans.</b></p>				
b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
<p>Discussion: <b>The project complies with the regulations of the Planned Agricultural District (PAD) and applicable policies of the County's General Plan and Local Coastal Program.</b></p> <p>Source: <b>Project Plans; County Zoning Regulations; County General Plan; and County Local Coastal Program.</b></p>				
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	
<p>Discussion: <b>See the Answer to Question 4.f.</b></p> <p>Source: <b>POST Open Space Easement Map; Project Plans.</b></p>				
d. Result in the congregating of more than 50 people on a regular basis?				X

<p>Discussion: <b>The project involves the construction of a new barn and arena to replace comparable structures at the project site. The current proposal does not include any events that would involve the congregation of more than 50 people on a regular basis. Any such proposal would be subject to permitting requirements, separate from the current application.</b></p> <p>Source: <b>Project Plans.</b></p>				
e. Result in the introduction of activities not currently found within the community?				X
<p>Discussion: <b>The project site is located within developed areas of the Pomponio Ranch and involves the construction of a new barn and arena to replace comparable structures at the project site.</b></p> <p>Source: <b>Project Plans.</b></p>				
f. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?				X
<p>Discussion: <b>The project site is located within the Pomponio Ranch property and involves the construction of a new barn and arena to replace comparable structures at the project site. Development of the project would not introduce new or significantly expanded public utilities, new industry, commercial facilities or recreation activities.</b></p> <p>Source: <b>Project Plans.</b></p>				
g. Create a significant new demand for housing?				X
<p>Discussion: <b>The project site is located within the Pomponio Ranch property and involves the construction of a new barn and arena to replace comparable structures at the project site. Development of the project would not create a significant new demand for housing.</b></p> <p>Source: <b>Project Plans.</b></p>				

<b>11. MINERAL RESOURCES.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?				X

Discussion: **The project involves 330 c.y. of excavation that will be deposited on-site. Based on the soil boring, the subsurface conditions at the site consist of silty and gravelly clay to the depth drilled of 9.5 feet. Therefore, no mineral resources would be extracted.**

Source: **Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.**

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

X

Discussion: **See answer to Question 11.A, above.**

Source: **Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013.**

**12. NOISE.** Would the project result in:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
Discussion: <b>The project will generate temporary noise associated with grading and construction. However, such noises will be temporary, where volume and hours are regulated by Section 4.88.360 (Exemptions) of the County Ordinance Code.</b> Source: <b>Project Plans.</b>				
b. Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?			X	
Discussion: <b>See answer to Question 12.A, above.</b> Source: <b>Project Plans.</b>				
c. A significant permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

Discussion: **The project does not involve a significant permanent increase in ambient noise levels in the project vicinity, as new structures would replace similar structures and uses that already exist at the project site. While the existing horse breeding use would expand, it would not contribute significantly to ambient noise levels in the project vicinity.**

Source: **Project Plans.**

d. A significant temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
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Discussion: **The project will generate temporary noise associated with grading and construction. However, such noises will be temporary, where volume and hours are regulated by Section 4.88.360 (Exemptions) of the County Ordinance Code.**

Source: **Project Plans.**

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?				X
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Discussion: **The project site is not located within an area regulated by an airport land use plan nor is it located within two miles of a public airport or public use airport.**

Source: **Project Plans.**

f. For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?				X
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Discussion: **The project may be within the vicinity of a private airstrip. The project will generate temporary noise associated with grading and construction. Temporary project noise would be buffered from adjoining properties by intervening trees and distance.**

Source: **Project Plans.**

<b>13. POPULATION AND HOUSING.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Induce significant population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X

Discussion: **The project would not induce significant population growth in the area, as new structures would replace similar structures and uses that already exist at the project site. The project involves a minor expansion of ranch operation, it does not involve new homes, businesses or significant expansion of infrastructure.**

Source: **Project Plans.**

b. Displace existing housing ( <b>including low- or moderate-income housing</b> ), in an area that is substantially deficient in housing, necessitating the construction of replacement housing elsewhere?				X
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Discussion: **The project would not displace existing housing.**

Source: **Project Plans.**

**14. PUBLIC SERVICES.** Would the project result in significant adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Fire protection?				X
b. Police protection?				X
c. Schools?				X
d. Parks?				X
e. Other public facilities or utilities (e.g., hospitals, or electrical/natural gas supply systems)?				X

Discussion: **New structures would replace similar structures and uses that already exist at the project site. Project implementation would not involve new or physically altered government facilities, nor would it increase the need for new or physically altered governmental facilities, nor would it affect service ratios, response times or other performance objectives for any of the public services.**

Source: **Project Plans.**



<b>15. RECREATION.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Increase the use of existing neighborhood or regional parks or other recreational facilities such that significant physical deterioration of the facility would occur or be accelerated?				X
<p>Discussion: <b>The project would not result in increased usage of existing neighborhood or regional parks or other recreational facilities.</b></p> <p>Source: <b>Project Plans.</b></p>				
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: <b>The project does not include recreational facilities or require the construction or expansion of recreational facilities.</b></p> <p>Source: <b>Project Plans.</b></p>				

<b>16. TRANSPORTATION/TRAFFIC.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X

<p>Discussion: <b>Proposed grading and construction activities would result in a temporary negligible increase in traffic levels that would be largely limited to private roads on the property due to the proposed on-site balanced grading, where no excess earth would be off-hauled to an off-site location. There would be a minor expansion in ranch operations, but new structures would replace similar structures and uses that already exist at the project site. Therefore, the project would only result in a negligible permanent increase in traffic levels. Therefore, the project does not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.</b></p> <p>Source: <b>Project Plans.</b></p>					
b.	Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways?				X
<p>Discussion: <b>The project would only result in a negligible permanent increase in traffic levels. Therefore, the project does not conflict with an applicable congestion management program.</b></p> <p>Source: <b>Project Plans.</b></p>					
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in significant safety risks?				X
<p>Discussion: <b>The project involves the on-site expansion of the developed areas of an existing ranch and will not require or result in a change in air traffic patterns, such that the change poses significant safety risks.</b></p> <p>Source: <b>Project Plans.</b></p>					
d.	Significantly increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
<p>Discussion: <b>The project involves road improvements within the existing ranch. The new road segments have been reviewed and approved by the Department of Public Works and would not create a new traffic hazard.</b></p> <p>Source: <b>Project Plans.</b></p>					
e.	Result in inadequate emergency access?		X		
<p>Discussion: <b>See Answer to Question 8.g.</b></p> <p>Source: <b>Project Plans.</b></p>					

f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
<p>Discussion: <b>The project involves the on-site expansion of the developed areas of an existing ranch and would not require any new or impact any existing public transit, bicycle, or pedestrian facilities.</b></p> <p>Source: <b>Project Plans.</b></p>					
g.	Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?				X
<p>Discussion: <b>The project involves the on-site expansion of the developed areas of an existing ranch and would not result in a noticeable increase in pedestrian traffic or a change in pedestrian patterns in public areas.</b></p> <p>Source: <b>Project Plans.</b></p>					
h.	Result in inadequate parking capacity?				X
<p>Discussion: <b>The project involves the construction of a new barn and arena to replace comparable structures at the project site. The current proposal does not include any events within the new arena. Any such proposal would be subject to permitting requirements, including parking requirements, separate from the current application. Therefore, the project would not result in inadequate parking capacity.</b></p> <p>Source: <b>Project Plans.</b></p>					

<b>17. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:					
		<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
<p>Discussion: <b>The project involves the construction of a new leach field. The project has been reviewed and approved by the Environmental Health Division and would not exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board.</b></p> <p>Source: <b>Environmental Health Division.</b></p>					
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		

<p>Discussion: <b>See Questions and Answers Section for discussion.</b></p> <p>Source: <b>Environmental Health Division; aerial photo of property; Project Plans.</b></p>				
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
<p>Discussion: <b>See Answer to Question 17.b, above.</b></p> <p>Source: <b>Project Plans.</b></p>				
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
<p>Discussion: <b>The project would not rely on a well, but on water from a nearby reservoir and an existing domestic spring water system (surface water) at the property. Use of surface water for domestic use is regulated by the County Environmental Health Division, who will require on-going treatment and maintenance. As the project does not rely on the use of groundwater, the project would not significantly deplete groundwater supplies or interfere significantly with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.</b></p> <p>Source: <b>Email correspondence with applicant, dated October 15, 2013; Environmental Health Division.</b></p>				
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
<p>Discussion: <b>The project involves the construction of a new leach field. The project has been reviewed and approved by the Environmental Health Division and would not exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board.</b></p> <p>Source: <b>Environmental Health Division.</b></p>				
f. Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
<p>Discussion: <b>The applicant proposes to perform 330 cubic yards (c.y.) of balanced cut and fill, associated with the construction of a new barn and arena. No excess earth would be off-hauled to a landfill. After completion of grading, project operation as a part of existing ranch operations would result only in a negligible increase in solid waste disposal needs.</b></p> <p>Source: <b>Project Plans.</b></p>				

g. Comply with Federal, State, and local statutes and regulations related to solid waste?				X
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Discussion: **The applicant proposes to perform 330 cubic yards (c.y.) of balanced cut and fill, associated with the construction of a new barn and arena. No excess earth would be off-hauled to a landfill. After completion of grading, project operation as a part of existing ranch operations would result in a negligible increase in solid waste disposal needs. Therefore, the project would comply with Federal, State, and local statutes and regulations related to solid waste.**

Source: **Project Plans.**

h. Be sited, oriented, and/or designed to minimize energy consumption, including transportation energy; incorporate water conservation and solid waste reduction measures; and incorporate solar or other alternative energy sources?				X
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Discussion: **The new barn would comply with the County’s Green Building Ordinance and would incorporate a variety of measures to reduce project consumption of energy and water resources and may also include solid waste reduction measures.**

Source: **Project Plans.**

i. Generate any demands that will cause a public facility or utility to reach or exceed its capacity?				X
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Discussion: **The project involves the on-site expansion of the developed areas of an existing ranch. As new structures would replace similar structures and uses that already exist at the project site, the project would not result in a significant increase in demand that will cause a public facility or utility to reach or exceed its capacity.**

Source: **Project Plans.**

<b>18. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a. Does the project have the potential to degrade the quality of the environment, significantly reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important		X		

examples of the major periods of California history or prehistory?				
<p>Discussion: <b>Yes, as discussed in the Questions and Answers Section of this document, the project has the potential to impact plant and wildlife species in the area. Implementation of mitigation measures included in this document would adequately reduce project impacts to a less than significant level.</b></p> <p>Source: <b>Subject document.</b></p>				
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
<p>Discussion: <b>Currently, a two-bedroom, two-bath farm labor housing unit is being constructed at the property. The construction of the housing unit will likely be completed by January 2014. Per Mitigation Measure 14, construction on the barn and arena would not start till after April 30, 2014. Therefore, impacts to wildlife and the riparian corridor are not likely to be compounded as the projects would be separated by approximately 4 months. There are no pending permit applications for any other future projects.</b></p> <p>Source: <b>Subject document; County records.</b></p>				
c. Does the project have environmental effects which will cause significant adverse effects on human beings, either directly or indirectly?		X		
<p>Discussion: <b>As previously discussed, the project could result in environmental impacts that could both directly and indirectly cause impacts on human beings. However, implementation of mitigation measures included in this document would adequately reduce project impacts to a less than significant level.</b></p> <p>Source: <b>Subject document.</b></p>				

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

AGENCY	YES	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)		X	
State Water Resources Control Board	X		State General Construction Permit for an acre or more of land disturbance.

AGENCY	YES	NO	TYPE OF APPROVAL
Regional Water Quality Control Board		X	
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	
California Coastal Commission (CCC)		X	The project is appealable to the CCC.
City		X	
Sewer/Water District:		X	

<b><u>MITIGATION MEASURES</u></b>		
	<u>Yes</u>	<u>No</u>
Mitigation measures have been proposed in project application.		X
Other mitigation measures are needed.	X	
<p>The following measures are included in the Mitigated Negative Declaration:</p> <p><b><u>Mitigation Measure 1:</u></b> The applicant shall implement the following erosion control best management practices, as recommended by the project biologist, during all land disturbing and construction activities to protect water quality in Pomponio Creek:</p> <ol style="list-style-type: none"> <li>No erosion or sediment control measures will be placed in vegetated areas.</li> <li>Limit the area of soil disturbance to the amount of acreage that can be protected prior to a forecasted rain event and to the minimum area needed to complete the proposed action.</li> <li>Preserve existing vegetation whenever feasible.</li> </ol> <p><b><u>Mitigation Measure 2:</u></b> The applicant shall implement the following avoidance and minimization measures to prevent impacts to both CRLF and SFGS:</p> <ol style="list-style-type: none"> <li>Wildlife exclusion fencing should be erected and maintained between the stormwater protection swale and the riparian habitat to prevent SFGS and CRLF from dispersing onto the site. Fencing is not required around the proposed septic line area due to distance from suitable habitat and lack of cover. Once the fencing is installed and within 48 hours of the start of ground-disturbing activities, a qualified biologist will perform a pre-construction survey of the Project Area to ensure that no CRLF or SFGS individuals are present. Fencing should</li> </ol>		

extend a minimum of 36 inches above ground level and be buried 4 inches to 6 inches below ground. Upon completion of the Project, all fencing material will be removed from the site and disposed of properly.

- b. Pre-construction surveys should be performed immediately prior to the start of any ground breaking activities by a qualified biologist as stated above. If CRLF or SFGS are found within the Project Area, all work will cease until the individual(s) have been allowed to leave the Project Area on their own and the fence has been repaired. If the CRLF or SFGS individual(s) cannot passively leave the Project Area, work will cease and the USFWS will be contacted to determine the appropriate course of action.
- c. Tightly woven fiber netting or similar material should be used for erosion control or other purposes at the Project to ensure that the CRLF and SFGS do not get trapped. This limitation should be communicated to the contractor. Plastic mono-filament netting (erosion control matting), rolled erosion control products or similar material should not be used because CRLF, SFGS, and other species may become entangled or trapped in it.
- d. Because dusk and dawn are often the times when CRLF are most active and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour before sunrise. Furthermore, no work shall occur during rain events when either species is likely dispersing.

**Mitigation Measure 3:** The applicant shall implement the following recommendations to minimize project impacts to special-status bird species and native bird species:

- a. If work is to be conducted within 100 feet of the riparian corridor during the nesting season (February 15 - August 31), a pre-construction breeding bird survey should be performed no more than 14 days prior to initial ground disturbance to avoid impacting active nests, eggs, and/or young.
- b. If the survey identifies any active nest, an exclusion buffer should be established for protection of the nest and young. Buffer distance will vary based on species and conditions at the site, but typically ranges between 25 feet and up to 600 feet. The biologist shall establish an appropriate buffer if necessary; the buffer should be maintained until all young have fledged. Impacts to nesting birds can be avoided if potential activities are initiated outside of the nesting season (September 1 - January 31).

**Mitigation Measure 4:** Prior to the Current Planning Section's approval of the building permit for the new barn, the applicant shall demonstrate compliance with the following:

- a. Untreated project drainage shall not be directed to the riparian corridor or the creek or areas directly connected to the riparian corridor or the creek.
- b. The septic line and leach field shall be located a minimum of 200 ft. from creek and riparian areas.

**Mitigation Measure 5:** Prior to the issuance of the grading permit "hard card," the applicant shall submit an archeological study of the project site. The study shall also show the results of attempts to contact local Native American tribe(s) regarding traditional, cultural, and religious heritage values.

**Mitigation Measure 6:** A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.



**Mitigation Measure 7:** Use existing roads to the maximum extent feasible to avoid additional surface disturbance.

**Mitigation Measure 8:** During all phases of the project, keep equipment and vehicles within the limits of the previously disturbed areas of the project site. All areas to remain undisturbed shall be delineated on the Erosion Control Plan, and the plan shall include measures, such as a fence or other kind of barrier, to demarcate the “limit of disturbance.” The property owner shall demonstrate the implementation of these measures prior to issuance of the grading permit “hard card.”

**Mitigation Measure 9:** The property owner, applicant, and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

**Mitigation Measure 10:** Prior to the Planning and Building Department’s Geotechnical Section’s approval of the building permit for the new barn, the applicant shall demonstrate project compliance with the recommendations presented in the Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013, and any other subsequent geotechnical reports relating to this project.

**Mitigation Measure 11:** For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30) 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/mitigation measures, 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 the Current Planning Section.

**Mitigation Measure 12:** Prior to any land disturbance and throughout the grading operation, the property owner shall implement the approved erosion control plan, as prepared and signed by the engineer of record. Prior to the issuance of the grading permit “hard card,” the applicant shall revise the Erosion Control Plan dated July 19, 2013, to include the proposed measures and additional measures as follows, subject to the review and approval of the Community Development Director:

- a. Revise plan to comply with mitigation measures related to biological resources, such as Mitigation Measures 1 and 15, and this mitigation measure. Prior to issuance of the grading permit “hard card,” the applicant shall have the erosion and sediment control plan reviewed and approved by the project biologist.
- b. Show the “limits of work” in your plans. Show protection for areas that will not be disturbed during construction. Show barriers along the “limit,” such as orange barrier fencing or other measures as approved by the biologist. Forbid work, storage, earthmoving, vegetation clearing, and other disturbance outside of these areas.
- c. Show protection of temporary stockpiles. Use anchored-down plastic sheeting in dry weather. In wet weather, or for longer storage, use seeding and mulching, soil blankets or mats.

- d. Use diversion berms to divert water from unstable or denuded areas (e.g., top and base of a disturbed slope, grade breaks where slopes transition to a steeper slope).
- e. Direct water from construction areas to designated temporary filtration/detention areas.
- f. Show location of office trailer(s), storage sheds, temporary power pole, scaffold footprint, and other temporary installations on the plans (as applicable). Show how they will be accessed and show protection of the access routes.
- g. Show Location of utility trenches, indicate utility types, and identify timing of installation.
- h. Show containment/protection of storage areas during work, as well as afterhours/ weekends). Show how they will be accessed and show protection of the access routes.
- i. Please provide an Erosion Control Point of Contact including name, title/qualifications, email, and two phone numbers. This person will be responsible for erosion control at the site and will be the County's main point of contact if corrections are required.
- j. Show how disturbed areas (i.e., areas of removed horse stalls, portable barn, gravel road, temporary access routes around new barn and arena, and utility trenches) will be revegetated (including seed type and timing of application) or stabilized when disturbance activities in those areas have ceased.

**Mitigation Measure 13:** As the project involves over 1 acre of land disturbance, the property owner shall file a Notice of Intent (NOI) with the State Water Resources Board to obtain coverage under the State General Construction Activity NPDES Permit. A copy of the project's NOI, WDID Number, and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section and the Building Inspection Section, prior to the issuance of the grading permit "hard card."

**Mitigation Measure 14:** No grading shall be allowed during the winter season (October 1 - April 30) or during any rain event to avoid potential soil erosion. An applicant-completed and County-issued grading permit "hard card" is required prior to the start of any land disturbance/grading operations. Along with the "hard card" application, the applicant shall submit a letter to the Current Planning Section, at least two (2) weeks prior to commencement of grading, stating the date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation and estimated date of establishment of newly planted vegetation.

**Mitigation Measure 15:** The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earthmoving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and

non stormwater discharges to storm drains and watercourses.

- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
- n. 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.

**Mitigation Measure 16:** 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.

**Mitigation Measure 17:** Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for compliance with this dust control requirement. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.

**Mitigation Measure 18:** Prior to the Building Inspection Section's approval of a building permit for the new barn, the applicant shall demonstrate compliance with Section 6825.1. D (Areas of Special Flood Hazard) of the County Zoning Regulations including, but not limited to, a) the construction of structures such that the lowest floor is elevated to or above the regulatory flood-protection elevation; and b) the development is in compliance with applicable Standards of Construction contained in Section 8131 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.

**Mitigation Measure 19:** The property owner shall comply with the following road access requirements:

- a. The use of the existing road system shall be certified to support the imposed load(s) of 75,000 lbs.
- b. Signs shall be placed on both sides of the Western Bridge with identification of the certified load carrying capacity.
- c. Signs shall be placed on the approach to the Western Bridge identifying the fire access road location for vehicles exceeding the weight capacity of the bridge.

**DETERMINATION** (to be completed by the Lead Agency).

On the basis of this initial evaluation:

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

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

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

December 12, 2013

Date

Camille Leung

Project Planner

(Title)

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Initial Study Checklist 03.19.2013.docx

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

**Initial Study Pursuant to CEQA**  
**Project Narrative and Answers to Questions for the Negative Declaration**  
**File Number: PLN 2013-00234**  
**Pomponio Ranch New Barn and Arena Renovation**

**PROJECT DESCRIPTION**

Coastal Development Permit (Appealable to the California Coastal Commission), Confined Animal Permit and Grading Permit for the construction of a new 9,500 sq. ft. barn for horse breeding use to replace an existing portable barn, consolidation/renovation of existing arenas (where 2 arenas totaling 48,865 sq. ft. will be consolidated into a new 41,990 sq. ft. arena), and keeping of up to 21 horses. Project involves 330 cubic yards (c.y.) of cut, 330 c.y. of earth fill, and 1,555 c.y. of sand fill, and up to 2 acres of land disturbance. The project also involves the construction of a bioretention system along Pomponio Creek and a new leach field within an area of ruderal grassland. The project does not involve any tree removal.

**ANSWERS TO QUESTIONS**

Lengthy answers are provided in the document and include some “Less Than Significant” answers and all “Significant Unless Mitigated” answers.

**2. AGRICULTURAL AND FOREST RESOURCES**

- b. Would the project conflict with existing zoning for agricultural use, an existing Open Space Easement, or a Williamson Act contract?**

**Less Than Significant.** The property is zoned Planned Agricultural District/Coastal Development District (PAD/CD). The proposed horse breeding use is considered an agricultural use and is permitted in the PAD Zoning District. The property is subject to a Peninsula Open Space Trust (POST) open space easement which covers areas outside of existing areas of development. The project does not conflict with this easement as it is located within existing areas of development and outside of areas subject to the easement.

The property is also subject to a Williamson Act contract (AP 66-38), which prohibits the use of the land for “any purpose, other than the production of agricultural commodities for commercial purposes.” The contract states that “no structures shall be erected upon said land except such structures as may be directly related to and compatible with agricultural use, and residence buildings for such individuals as may be engaged in the management of said land, and their families.” The existing horse breeding use at the property, as supported by the proposed construction of a new barn and arena, is considered an agricultural use. The Department of Conservation has clarified that, in regards to the Williamson Act, the breeding and training of horses for commercial sale may be considered, by local agencies, in their local rules and contracts, to be “producing

## **ANSWERS TO QUESTIONS**

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an agricultural commodity for commercial purposes” pursuant to Government Code section 51201, subdivision (b) (Attachment G). The property is also utilized for hay production and cattle grazing.

Therefore, the project is consistent with the PAD zoning of the property, the existing POST open space easement, and the Williamson Act contract for the property. No mitigation measures are necessary.

#### **4. BIOLOGICAL RESOURCES**

- a. **Would the project have a significant adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

**Significant Unless Mitigated.** The applicant has submitted a Biological Resources Assessment Report for the project prepared by WRA Environmental Consultants, dated November 2013 (Attachment J). The report’s Project Area consists of two proposed linear installations, a stormwater swale and a septic line (Figure 2 of Attachment J). The Study Area is within the north side of the larger Pomponio Ranch property, which is located in rural San Gregorio and is primarily used for livestock grazing, agriculture, and horse breeding and rearing. The Study Area as a whole was traversed for completeness, but for this report, only the Project Area is addressed. To the west of the Project Area is a barn and ruderal open area; to the north is non-native annual grassland and coastal scrub; to the east is a continuation of the corral complex, and to the south is Pomponio Creek.

#### RESULTS OF BIOLOGICAL REPORT

##### 1. Sensitive Biological Communities

###### a) *Riparian Corridor*

The Pomponio Creek riparian corridor is adjacent to the southern boundary of the Project Area. Under the County’s Local Coastal Program (LCP), a riparian corridor is considered an Environmentally Sensitive Habitat Area (ESHA) and would require a buffer zone of 50 feet in which activity would be limited or prohibited for certain uses. However, the proposed project is an agricultural use, which is a permitted use in riparian corridors under the LCP provided no riparian vegetation is removed and no soil is allowed to enter stream channels. The proposed stormwater prevention device will create a buffer from the existing road to Pomponio Creek.

## **ANSWERS TO QUESTIONS**

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Plant species observed in the adjacent riparian corridor include creek dogwood (*Cornus sericea*), arroyo willow (*Salix lasiolepis*), and watercress (*Nasturtium officinale*). Wildlife observed in the adjacent riparian corridor includes orange-crowned warbler (*Oreothlypis celata*), chestnut-backed chickadee (*Poecile rufescens*), and golden-crowned sparrow (*Zonotrichia atricapilla*).

### 2. Special-Status Species

#### a) *Plants*

Based upon a review of the literature and databases outlined in Section 3.2.1 of the report, 12 special-status plant species have been documented within 5 miles of the Project Area. The California Natural Diversity Database (CNDDDB) occurrences within 5 miles of the Project Area are shown in Figure 3 of Attachment J. However, based on the existing habitat types and the highly disturbed conditions within the Project Area, no special-status species are likely or have potential to occur and no special-status plant species were observed during the site visit. In addition, no plants identified as ESHAs under the LCP were observed in the Project Area or are known to occur near the Project Area.

#### b) *Wildlife*

Twenty-two special-status species of wildlife have been recorded in the vicinity of the Project Area, and those recorded within 5 miles of the Project Area are shown in Figure 4 of Attachment J. None of these special-status wildlife species have a high or moderate potential to occur within the Project Area because of a lack of suitable habitat and previously developed land. However, the Project Area is adjacent to a riparian corridor, an ESHA under the LCP in which some bird species have the potential to nest. The Project Area is also within designated critical habitat for California red-legged frog (CRLF). Special-status wildlife species that are unlikely to occur in the Project Area, but have the potential to occur in adjacent habitat are discussed below. Critical habitat and habitats of "Rare, Endangered, and Unique Species" as defined by the LCP are discussed below.

#### c) *Special-Status Wildlife Species Unlikely Within the Project Area, but Potentially in Adjacent Habitat*

**Pallid bat (*Antrozous pallidus*). CDFW<sup>1</sup> Species of Special Concern, WBWG<sup>2</sup> High Priority.** Pallid bat is found in a variety of

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<sup>1</sup> California Department of Fish and Wildlife (formerly California Department of Fish and Game)

## **ANSWERS TO QUESTIONS**

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low elevation habitats throughout California. It selects a variety of day roosts including rock outcrops, mines, caves, hollow trees, buildings, and bridges. Night roosts are usually found under bridges, and occasionally in caves, mines, and buildings. Pallid bat is sensitive to roost disturbance. Unlike most bats, pallid bat primarily feed on large ground-dwelling arthropods, and many prey are taken on the ground (Zeiner et al. 1990). The stable adjacent to the Project Area may provide potential day roosts for pallid bat, however maternity roosts are not likely present.

**Western red bat (*Lasiurus blossevillii*). CDFW Species of Special Concern, WBWG High Priority.** This bat species is considered highly migratory and broadly distributed, ranging from southern Canada through much of the western United States. They are typically solitary, roosting primarily in the foliage of trees or shrubs. Day roosts are commonly in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas, possibly in association with riparian habitat (particularly willows, cottonwoods, and sycamores). Mature trees and snags within the riparian corridor adjacent to the Project Area may provide suitable roost habitat for this species, however maternity roosts are not likely present.

**Loggerhead shrike (*Lanius ludovicianus*). CDFW Species of Special Concern, USFWS<sup>3</sup> Bird of Conservation Concern.** Loggerhead shrike is a common resident and winter visitor in lowlands and foothills throughout California. It prefers open habitats with scattered trees, shrubs, posts, fences, utility lines or other perches. Nests are usually built on a stable branch in a densely-foliaged shrub or small tree and are usually well-concealed. The highest densities occur in open-canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill, riparian, pinyon-juniper, juniper, and desert riparian habitats. While this species eats mostly arthropods, they also take amphibians, small to medium-sized reptiles, small mammals and birds. They are also known to scavenge on carrion. Suitable foraging habitat is present in the Project Area, and suitable nesting habitat may be present in the trees and shrubs in the riparian corridor adjacent to the Project Area.

**Yellow warbler (*Setophaga petechia*). CDFW Species of Special Concern.** Yellow warbler breeds most commonly in wet, deciduous thickets, especially those dominated by willows, and in disturbed and early successional habitats (Lowther et al. 1999). This species' diet is primarily comprised of insects supplemented with berries. Suitable

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<sup>2</sup> Western Bat Working Group

<sup>3</sup> U.S. Fish and Wildlife Service



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foraging and nesting habitat is not present within the Project Area, but may be present in the riparian corridor adjacent to the Project Area.

**California red-legged frog (*Rana draytonii*). Federal Threatened, CDFW Species of Special Concern.** California red-legged frog is dependent on suitable aquatic, estivation, and upland habitat. During periods of wet weather, starting with the first rainfall in late fall, these frogs disperse away from their estivation sites to seek suitable breeding habitat. Aquatic and breeding habitat is characterized by dense, shrubby, riparian vegetation and deep, still or slow-moving water. Breeding occurs between late November and late April. This species estivates (a period of inactivity) during the dry months in small mammal burrows, moist leaf litter, incised stream channels, and large cracks in the bottom of dried ponds. There is no aquatic habitat within the Project Area; however, the Project Area is adjacent to Pomponio Creek and within designated critical habitat for CRLF. Critical habitat, habitat elements, and nearby occurrences of CRLF to the Project Area are discussed below.

**San Francisco garter snake (*Thamnophis sirtalis tetrataenia*). Federal Endangered, State Endangered, CDFW Fully Protected Species.** Historically, SFGS occurred in scattered wetland areas on the San Francisco Peninsula approximately from the San Francisco County line, south along the eastern and western bases of the Santa Cruz Mountains, to Upper Crystal Springs Reservoir, and along the coast south to Año Nuevo Point, San Mateo County, and Waddell Creek, Santa Cruz County. This species prefers a densely vegetated pond near open hillsides where they can sun, feed, and find cover in rodent burrows; however, less ideal habitats can also be successfully occupied, including temporary ponds and other seasonal freshwater. There is no aquatic habitat within the Project Area; however, the Project Area is adjacent to Pomponio Creek. Habitat elements for SFGS within the Project Area are further discussed below.

### 3. Rare, Unique, and Endangered Species Habitat Assessment

#### a) *California Red-Legged Frog*

The Project Area falls within USFWS-designated Critical Habitat unit SNM-2 (USFWS 2010). There are four primary constituent elements (PCEs) that are considered to be essential for the conservation or survival of CRLF (USFWS 2010): 1) aquatic breeding habitat; 2) non-breeding aquatic habitat; 3) upland habitat; and 4) dispersal habitat.

As described in detail in Attachment J, the Project Area only contains dispersal habitat. Pomponio Creek adjacent to the south of the Project

## **ANSWERS TO QUESTIONS**

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Area contains the nearest non-breeding aquatic habitat. The nearest potential breeding habitat is 0.25 mile north of the Project Area. The Project Area contains sparse, low-growing vegetation and no burrows or cracks that could support CRLF. Although the Project Area is adjacent to Pomponio Creek, there is no suitable cover for CRLF to use as refugia or for foraging; therefore the Project Area does not contain the necessary habitat elements to serve as upland habitat.

Dispersal habitat includes accessible upland or riparian areas between occupied locations within 0.7 mi of each other that allow for movement between these sites. Dispersal habitat includes various natural and altered habitats such as agricultural fields, which do not contain barriers to dispersal. Moderate to high density urban or industrial developments, large reservoirs and heavily traveled roads without bridges or culverts are considered barriers to dispersal (USFWS 2010).

Dispersal distances are typically less than 0.5 mile, with a few individuals moving in excess of one mile (Fellers 2005). Movements typically occur along riparian corridors, but some individuals, especially on rainy nights, move directly from one site to another through normally inhospitable habitats, such as heavily grazed pastures or oak-grassland savannas (Fellers 2005). Bulger et al (2003) documented dispersing frogs in northern Santa Cruz County traveling distances from 0.25 mile to more than 2 miles without apparent regard to topography, vegetation type, or riparian corridors.

The nearest documented occurrence of CRLF is 2 miles northeast of the Project Area (CDFW 2013). Although this is a distance greater than typical dispersal events, there is a lack of data in the CNDDDB records, and suitable habitat is present much closer to the Project Area. The Project Area is within critical habitat and meets criteria for dispersal habitat. However, the lack of vegetative cover poses a high risk for CRLF dispersing through the Project Area. Furthermore, CRLF are only likely to move through the Project Area under appropriate weather conditions, such as rainy nights.

The proposed Project includes installation of a septic line and a stormwater protection swale. Neither of these features will create an impervious surface or barrier to dispersal for CRLF. In addition, the stormwater swale will protect Pomponio Creek from surface run-off and erosion from the adjacent stables and arenas. Therefore, the proposed Project will not alter the condition of any of the PCEs for CRLF in or adjacent to the Project Area.

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### b) *San Francisco Garter Snake*

SFGS requires seasonal or permanent water bodies as a basic habitat requirement. In addition to the basic requirement of a water source, there are four main habitat requirements for SFGS (USFWS 2006b): 1) freshwater marsh habitat with a diversity of habitat components including dense vegetation near the pond edge and open water; 2) basking sites upland of the water; 3) food sources for all life stages of the snake; and 4) shallow water near the shoreline, providing access to food sources.

During the summer, snakes may disperse from the typical vegetated aquatic-edge habitat into adjacent areas to feed on amphibians or hibernate in rodent burrows. Typically, SFGS utilize upland rodent burrows, including Botta's pocket gopher (*Thomomys bottae*) and the California meadow vole (*Microtus californicus*), within several hundred feet of their aquatic habitat (McGinnis 2001, USFWS 2006b). Literature suggests that lowland rodent burrows are not utilized for hibernation due to the potential for flooding (McGinnis 2001).

During periods of heavy rain or shortly after, SFGS may make long-distance movements of up to 1.25 miles along drainages within the dense riparian cover, and are not documented to travel over open terrain (McGinnis 2001).

There are several occurrences of SFGS within 5 miles of the Project Area; however, occurrence information is confidential and exact locations cannot be disclosed in public documents. Based on this occurrence information and habitat conditions, it is likely that SFGS use Pomponio Creek as a dispersal corridor. However, the Project Area does not contain suitable habitat elements for SFGS, such as aquatic habitat, vegetative cover, or prey items. Most burrows were not of sufficient size for SFGS to occupy, and SFGS is most likely to use burrows within a few hundred feet of foraging grounds (vegetated ponds). The nearest potential foraging pond for SFGS is 0.25 miles north of the Project Area. In addition, SFGS is unlikely to use the Project Area for refuge or basking because of high levels of disturbance from people and domestic animals (e.g., dogs, cats, etc.) associated with ranch activities and the adjacent stables.

Although the Project Area does not contain any of the main habitat requirements of SFGS, the Project Area is in close proximity to Pomponio Creek, and several potential foraging ponds are within 1.25 miles. Therefore, SFGS has the potential to disperse along the Pomponio Creek riparian corridor, but is unlikely to pass through or reside within the Project Area. The proposed Project will install a

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septic line and stormwater protection swale. Neither of these features will create an impervious surface or barrier to movement by SFGS. In addition, the stormwater swale will protect Pomponio Creek, a dispersal corridor for SFGS, from surface run-off from the adjacent stables and arenas and erosion. Therefore, the proposed Project will not alter the condition of any SFGS habitat requirements in or adjacent to the Project Area.

### **SUMMARY AND RECOMMENDATIONS**

The stormwater treatment device for the overall barn and arena consolidation project is a necessary requirement of the recently adopted San Mateo Water Pollution Prevention Program. No sensitive biological communities were identified within the Project Area. No special-status plant or wildlife species have a moderate or high potential to occur within the Project Area. However, the Project Area is located in close proximity to a riparian corridor and contains marginal dispersal habitat for CRLF and SFGS. The following sections present recommendations for measures to avoid impacts to these species and sensitive habitats.

#### **1. Biological Communities**

The Project Area is comprised of ruderal and developed areas, which are not sensitive biological communities. The Project Area is adjacent to a riparian corridor which is an ESHA under the LCP. However, because no feasible alternative exists and the swale supports agricultural use, it is permitted under the LCP to occur within the buffer zone (50 feet for perennial streams) under Section 7.12 of the LCP. In addition, all activity in the buffer zone will comply with Section 7.13 of the LCP, which requires uses permitted in buffer zones as applicable to:

- minimize removal of vegetation;
- conform to natural topography to minimize erosion potential;
- make provisions (i.e., catch basins) to keep runoff and sedimentation from exceeding pre-development levels;
- replant where appropriate with native and noninvasive exotics;
- prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor;
- allow dredging in or adjacent to man-made ponds if the San Mateo County Resource Conservation District has certified that siltation

## **ANSWERS TO QUESTIONS**

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imperils continued use of the pond for agricultural water storage and supply; and

- limit the sound emitted from motorized machinery to be kept to less than 45-dBA at any riparian buffer zone boundary except for farm machinery and motorboats.

The septic line will be constructed 200 feet from the riparian area, cause minimal land disturbance, and result in no permanent impacts. However, WRA recommends that the following 9 standard erosion control best management practices be followed to protect water quality in Pomponio Creek:

1. A moratorium on grading during a rain event (required by Mitigation Measure 14);
2. A requirement that erosion and sediment control measures be installed prior to unseasonable rain storms (required by Mitigation Measure 12);
3. No erosion or sediment control measures will be placed in vegetated areas;
4. Requirement limiting the area of soil disturbance to the amount of acreage that can be protected prior to a forecasted rain event and to the minimum area needed to complete the proposed action;
5. Delineation and protection of environmentally sensitive areas to prevent construction impacts (required by Mitigation Measure 15.a);
6. Installation of fiber rolls and other measures as appropriate to control sediment and erosion (required by Mitigation Measure 12);
7. Control of spills and litter (required by Mitigation Measure 15.e);
8. Control of fuels and other hazardous materials (required by Mitigation Measure 15, particularly f and h); and
9. Preservation of existing vegetation whenever feasible.

With the exception of recommendations 3, 4 and 9, all other recommendations have been required under other mitigation measures in this document. Mitigation Measure 1 below requires the applicant to comply with recommendations 3, 4, and 9:

## **ANSWERS TO QUESTIONS**

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**Mitigation Measure 1:** The applicant shall implement the following erosion control best management practices, as recommended by the project biologist, during all land disturbing and construction activities to protect water quality in Pomponio Creek:

- a. No erosion or sediment control measures will be placed in vegetated areas.
- b. Limit the area of soil disturbance to the amount of acreage that can be protected prior to a forecasted rain event and to the minimum area needed to complete the proposed action.
- c. Preserve existing vegetation whenever feasible.

### 2. **Special-Status Species**

Of the 12 special-status plant species known to occur in the vicinity of the Project Area, none were found to have potential to occur in the Project Area, and thus no further measures are recommended. The lack of vegetation or aquatic features and high disturbance levels within the Project Area preclude the occurrence of most plant and wildlife species. However, the Project Area is within designated critical habitat for CRLF. In addition, due to the proximity to Pomponio Creek, the Project Area provides dispersal habitat for CRLF and SFGS, and the adjacent riparian corridor provides nesting habitat for special-status bird species and roosting bat species.

#### a) *California Red-Legged Frog and San Francisco Garter Snake*

Both CRLF and SFGS have potential to disperse through the Project Area. Avoidance and minimization measures listed below are recommended to prevent impacts to both CRLF and SFGS. If these measures are implemented, no take is expected to occur during the proposed Project. Additionally, the proposed Project will not alter the PCEs for CRLF and would therefore not be considered an impact to designated critical habitat.

**Mitigation Measure 2:** The applicant shall implement the following avoidance and minimization measures to prevent impacts to both CRLF and SFGS:

- a. Wildlife exclusion fencing should be erected and maintained between the stormwater protection swale and the riparian habitat to prevent SFGS and CRLF from dispersing onto the site. Fencing is not required around the proposed septic line area due to distance from suitable habitat and lack of cover.

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Once the fencing is installed and within 48 hours of the start of ground-disturbing activities, a qualified biologist will perform a pre-construction survey of the Project Area to ensure that no CRLF or SFGS individuals are present. Fencing should extend a minimum of 36 inches above ground level and be buried 4 inches to 6 inches below ground. Upon completion of the Project, all fencing material will be removed from the site and disposed of properly.

- b. Pre-construction surveys should be performed immediately prior to the start of any ground breaking activities by a qualified biologist as stated above. If CRLF or SFGS are found within the Project Area, all work will cease until the individual(s) have been allowed to leave the Project Area on their own and the fence has been repaired. If the CRLF or SFGS individual(s) cannot passively leave the Project Area, work will cease and the USFWS will be contacted to determine the appropriate course of action.
- c. Tightly woven fiber netting or similar material should be used for erosion control or other purposes at the Project to ensure that the CRLF and SFGS do not get trapped. This limitation should be communicated to the contractor. Plastic mono-filament netting (erosion control matting), rolled erosion control products or similar material should not be used because CRLF, SFGS, and other species may become entangled or trapped in it.
- d. Because dusk and dawn are often the times when CRLF are most active and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour before sunrise. Furthermore, no work shall occur during rain events when either species is likely dispersing.

### b) *Birds*

This assessment determined that two special-status bird species may use the Pomponio Creek riparian corridor as nesting habitat. In addition, most common native bird species are also protected by the Migratory Bird Treaty Act during the nesting season.

**Mitigation Measure 3:** The applicant shall implement the following recommendations to minimize project impacts to special-status bird species and native bird species:

## **ANSWERS TO QUESTIONS**

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- a. If work is to be conducted within 100 feet of the riparian corridor during the nesting season (February 15 - August 31), a pre-construction breeding bird survey should be performed no more than 14 days prior to initial ground disturbance to avoid impacting active nests, eggs, and/or young.
- b. If the survey identifies any active nest, an exclusion buffer should be established for protection of the nest and young. Buffer distance will vary based on species and conditions at the site, but typically ranges between 25 feet and up to 600 feet. The biologist shall establish an appropriate buffer if necessary; the buffer should be maintained until all young have fledged. Impacts to nesting birds can be avoided if potential activities are initiated outside of the nesting season (September 1 - January 31).
- c) *Bats*

Two special-status bat species have the potential to roost immediately adjacent to the Project Area during the maternity roosting season (April 1 - September 30), however no maternity roosts are likely present due to coastal climate conditions. All buildings in the vicinity are regularly used; therefore disturbance levels and climactic conditions preclude hibernation by either species in the vicinity of the Project Area. The low level of noise associated with project development is not likely to impact bat roosts in the vicinity and thus no further measures are prescribed.

### **ANALYSIS OF MANURE MANAGEMENT AND LOCATION OF SEPTIC SYSTEM<sup>4</sup>**

The new barn would be located approximately 88 feet from the top of the bank of Pomponio Creek and would be separated from the creek and adjoining riparian vegetation and habitat, by an existing access road. Due to the proposed horse keeping uses, there is potential for manure or flows polluted with manure to enter into the creek and associated riparian corridor, resulting in potential significant impacts to riparian habitat. The applicant has submitted a manure management plan (Attachment I), which states that the proposed barn will have an automated manure removal system, where horse manure will be collected at the rear of the barn, transported daily by truck to be spread in open fields on-site outside of riparian buffer areas. The 2,236-acre Pomponio Ranch property has adequate area to spread manure from 21 horses.

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<sup>4</sup> This section is not from the Biological Report.



## **ANSWERS TO QUESTIONS**

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The applicant proposes to locate a new septic leach field to the south of the new barn. In order to prevent polluted flows from the barn and arena into the creek and associated riparian corridor, staff has added Mitigation Measure 4 to prohibit untreated drainage flows to be directed to the riparian corridor or the creek or areas directly connected to the riparian corridor or the creek and to locate the septic lines and leach field a minimum of 200 ft. from creek and riparian areas, as approved by the project biologist.

**Mitigation Measure 4:** Prior to the Current Planning Section's approval of the building permit for the new barn, the applicant shall demonstrate compliance with the following:

- a. Untreated project drainage shall not be directed to the riparian corridor or the creek or areas directly connected to the riparian corridor or the creek.
- b. The septic line and leach field shall be located a minimum of 200 ft. from creek and riparian areas.

### **5. CULTURAL RESOURCES**

- b. **Would the project cause a significant adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?**

**Significant Unless Mitigated.** *According to the results of a record search by the California Historical Resources Information System (CHRIS), dated August 1, 2013, the CHRIS office has no record of any previous cultural resource studies for the proposed project areas. However, the proposed project area has the possibility of containing unrecorded archeological sites. CHRIS recommends the preparation of an archeological study prior to the commencement of project activities. CHRIS also recommends the applicant to contact the local Native American tribes regarding traditional, cultural, and religious heritage values. These recommendations have been added as Mitigation Measure 5, below.*

It should be noted that CHRIS also recommends an evaluation of buildings or structures 45 years or older by a qualified professional familiar with the architecture and history of San Mateo County prior to commencement of project activities. The portable barn proposed for removal does not have any historic value. The two arenas to be removed consist of a riding area with a sand base and standard railings and do not have any historic value. Therefore, there is no project impact to historical buildings and structures and no mitigation is required.

**Mitigation Measure 5:** Prior to the issuance of the grading permit "hard card," the applicant shall submit an archeological study of the project site. The study shall also show the results of attempts to contact local Native American tribe(s) regarding traditional, cultural, and religious heritage values.

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- c. **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Significant Unless Mitigated.** The project involves land disturbance of 2 acres of the subject property. Due to the significant level of earthwork associated with project implementation, the project has the potential to directly or indirectly destroy a unique paleontological resource or site. The following general mitigation measures, as provided by the Tribal Energy and Environmental Information Clearinghouse, Office of Indian Energy and Economic Development,<sup>5</sup> have been included to mitigate any potential impact to paleontological resources to a less than significant level:

**Mitigation Measure 6:** A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.

**Mitigation Measure 7:** Use existing roads to the maximum extent feasible to avoid additional surface disturbance.

**Mitigation Measure 8:** During all phases of the project, keep equipment and vehicles within the limits of the previously disturbed areas of the project site. All areas to remain undisturbed shall be delineated on the Erosion Control Plan, and the plan shall include measures, such as a fence or other kind of barrier, to demarcate the "limit of disturbance." The property owner shall demonstrate the implementation of these measures prior to issuance of the grading permit "hard card."

- d. **Would the project disturb any human remains, including those interred outside of formal cemeteries?**

**Significant Unless Mitigated.** The project involves land disturbance of 2 acres of the subject property. Due to the significant level of earthwork associated with project construction, the project has the potential to disturb any interred human remains, including those interred outside of formal cemeteries. Mitigation Measure 9, below, requires the property owner, applicant, and contractors to comply with the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. The implementation of this mitigation measure would mitigate any potential impact to interred human remains to a less than significant level:

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<sup>5</sup> Tribal Energy and Environmental Information Clearinghouse website:  
<http://teeic.anl.gov/er/wind/mitigation/paleo/index.cfm>

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**Mitigation Measure 9:** The property owner, applicant, and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

### **6. GEOLOGY AND SOILS**

- a. **Would the project expose people or structures to potential significant adverse effects, including the risk of loss, injury, or death involving the following, or create a situation that results in:**

- ii. Strong Seismic Ground Shaking?

**Significant Unless Mitigated.** According to a geotechnical study (Attachment K) prepared for the project by Sigma Prime Geosciences, Inc., dated July 8, 2013, the site is located in an active seismic area. Moderate to large earthquakes are probable along several active faults in the greater Bay Area over a 30 to 50 year design life. Strong ground shaking should therefore be expected several times during the design life of the structure, as is typical for sites throughout the Bay Area. The improvements should be designed and constructed in accordance with current earthquake resistance standards. It is Sigma Prime Geosciences, Inc.'s opinion that, from a geotechnical standpoint, the site is suitable for the proposed construction, provided the recommendations presented in their report are followed during design and construction. Mitigation Measures 10 and 11 have been added to ensure compliance with this report.

**Mitigation Measure 10:** Prior to the Planning and Building Department's Geotechnical Section's approval of the building permit for the new barn, the applicant shall demonstrate project compliance with the recommendations presented in the Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013, and any other subsequent geotechnical reports relating to this project.

**Mitigation Measure 11:** For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30) 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

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approval/mitigation measures, 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 the Current Planning Section.

**b. Would the project result in significant soil erosion or the loss of topsoil?**

**Significant Unless Mitigated.** The applicant proposes to perform 330 c.y. of balanced cut and fill, import and apply 1,555 c.y. of sand fill, and disturb up to 2 acres of land at the project site. The proposed area of land disturbance is relatively flat and previously disturbed. The applicant proposes to perform balanced grading for the purpose of leveling the area of two existing arenas, where two arenas totaling 48,865 sq. ft. will be consolidated into a new 41,990 sq. ft. arena. Imported sand will be used to provide a riding surface within the new arena.

If there should be any precipitation during grading activities, there is the potential for sedimentation to occur in on- and off-site areas downslope from the project area, including the creek. The applicant proposes an erosion control plan, included as Attachment F. Staff has added Mitigation Measure 12 to require implementation of proposed and additional required erosion control measures throughout the term of the grading and building permits, that would further minimize run-off into creek areas, to the greatest extent feasible. Mitigation Measure 13 requires the applicant to comply with State requirements to obtain coverage under the State General Construction Activity NPDES Permit, as proposed land disturbance exceeds 1 acre. Mitigation Measure 14 has been included to restrict project grading to dry days of the dry season. Mitigation Measure 15 has been included to require additional stormwater pollution prevention measures. Mitigation Measure 16 requires monitoring of erosion control measures by the project civil engineer. Mitigation Measure 17 requires dust control during grading and construction.

**Mitigation Measure 12:** Prior to any land disturbance and throughout the grading operation, the property owner shall implement the approved erosion control plan, as prepared and signed by the engineer of record. Prior to the issuance of the grading permit "hard card," the applicant shall revise the Erosion Control Plan dated July 19, 2013, to include the proposed measures and additional measures as follows, subject to the review and approval of the Community Development Director:

- a. Revise plan to comply with mitigation measures related to biological resources, such as Mitigation Measures 1 and 15, and this mitigation

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measure. Prior to issuance of the grading permit “hard card,” the applicant shall have the erosion and sediment control plan reviewed and approved by the project biologist.

- b. Show the “limits of work” in your plans. Show protection for areas that will not be disturbed during construction. Show barriers along the “limit,” such as orange barrier fencing or other measures as approved by the biologist. Forbid work, storage, earthmoving, vegetation clearing, and other disturbance outside of these areas.
- c. Show protection of temporary stockpiles. Use anchored-down plastic sheeting in dry weather. In wet weather, or for longer storage, use seeding and mulching, soil blankets or mats.
- d. Use diversion berms to divert water from unstable or denuded areas (e.g., top and base of a disturbed slope, grade breaks where slopes transition to a steeper slope).
- e. Direct water from construction areas to designated temporary filtration/detention areas.
- f. Show location of office trailer(s), storage sheds, temporary power pole, scaffold footprint, and other temporary installations on the plans (as applicable). Show how they will be accessed and show protection of the access routes.
- g. Show Location of utility trenches, indicate utility types, and identify timing of installation.
- h. Show containment/protection of storage areas during work, as well as afterhours/ weekends). Show how they will be accessed and show protection of the access routes.
- i. Please provide an Erosion Control Point of Contact including name, title/qualifications, email, and two phone numbers. This person will be responsible for erosion control at the site and will be the County’s main point of contact if corrections are required.
- j. Show how disturbed areas (i.e., areas of removed horse stalls, portable barn, gravel road, temporary access routes around new barn and arena, and utility trenches) will be revegetated (including seed type and timing of application) or stabilized when disturbance activities in those areas have ceased.

**Mitigation Measure 13:** As the project involves over 1 acre of land disturbance, the property owner shall file a Notice of Intent (NOI) with the State Water

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Resources Board to obtain coverage under the State General Construction Activity NPDES Permit. A copy of the project's NOI, WDID Number, and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section and the Building Inspection Section, prior to the issuance of the grading permit "hard card."

**Mitigation Measure 14:** No grading shall be allowed during the winter season (October 1 - April 30) or during any rain event to avoid potential soil erosion. An applicant-completed and County-issued grading permit "hard card" is required prior to the start of any land disturbance/grading operations. Along with the "hard card" application, the applicant shall submit a letter to the Current Planning Section, at least two (2) weeks prior to commencement of grading, stating the date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation and estimated date of establishment of newly planted vegetation.

**Mitigation Measure 15:** The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earthmoving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

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- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
- n. 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.

**Mitigation Measure 16:** 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.

**Mitigation Measure 17:** Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for compliance with this dust control requirement. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.

## **7. CLIMATE CHANGE**

- f. **Would the project place structures within an anticipated 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**Significant Unless Mitigated.** The site is located in Zone X (area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level) and

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Zone A (Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage<sup>6</sup>) in areas within and adjacent to Pomponio Creek. Per Section 6822.2 (Flood Hazard Areas) of the County Zoning Regulations, Zone A is considered an “area of special flood hazard.” Section 6825.1. D (Areas of Special Flood Hazard) states that a permit for development located in an Area of Special Flood Hazard may be issued in accordance with the procedures established in Section 6826 provided:

- (a) Structures are constructed so that the lowest floor is elevated to or above the regulatory flood-protection elevation.
- (b) The development is in compliance with applicable Standards of Construction contained in Section 8131, the Standards for Manufactured Homes contained in Section 8132, and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.
- (c) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

Per the Approximate Base Flood Elevation (BFE) Calculation Sketch and Notes, dated July 8, 2013, the applicant calculated the Base Flood Elevation of the project site at 326.5 feet (approximate BFE). The applicant proposes to construct the finished floor of the new barn at 327.75 ft. or 1.25 ft. above the approximate BFE. While the new barn is proposed in a location where the potential for flooding is significant, the proposed elevation for the finished floor of the new barn minimizes risk of harm to horses and humans during a flood. Staff has added Mitigation Measure 18 to require the applicant to comply with Section 6825.1. D (Areas of Special Flood Hazard) of the County Zoning Regulations.

**Mitigation Measure 18:** Prior to the Building Inspection Section’s approval of a building permit for the new barn, the applicant shall demonstrate compliance with Section 6825.1. D (Areas of Special Flood Hazard) of the County Zoning Regulations including, but not limited to, a) the construction of structures such that the lowest floor is elevated to or above the regulatory flood-protection elevation; and b) the development is in compliance with applicable Standards of Construction contained in Section 8131 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.

- g. Would the project place, within an anticipated 100-year flood hazard area, structures that would impede or redirect flood flows?**

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<sup>6</sup> Because detailed analyses are not performed for such areas, no depth or base flood elevations are shown within these zones.



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**Less Than Significant.** The new barn would not be located within the creek but located approximately 88 feet from the top of the bank of Pomponio Creek. As the project site is located in a canyon, where the barn is clustered with existing development, including various buildings, the new barn is not likely to significantly impede or redirect flood flows. The arena consists of a flat riding area and a railing and would not impede or redirect flood flows. No mitigation measures are necessary.

### **8. HAZARDS AND HAZARDOUS MATERIALS**

- g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**Significant Unless Mitigated.** The proposed barn and arena will replace similar structures within the same approximate location, however private access roads will need to be adjusted to accommodate the project. Cal Fire has reviewed and approved the project plans, subject to conditions described in Attachment L and repeated in Mitigation Measure 19, below. As proposed and mitigated, emergency access to the project will remain adequate.

**Mitigation Measure 19:** The property owner shall comply with the following road access requirements:

- a. The use of the existing road system shall be certified to support the imposed load(s) of 75,000 lbs.
- b. Signs shall be placed on both sides of the Western Bridge with identification of the certified load carrying capacity.
- c. Signs shall be placed on the approach to the Western Bridge identifying the fire access road location for vehicles exceeding the weight capacity of the bridge.

### **17. UTILITIES AND SERVICE SYSTEMS**

- b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Significant Unless Mitigated.** As stated in the Answer to Question 4.a, the proposed project will install a septic line and stormwater protection swale. Neither of these features will create an impervious surface or barrier to movement by SFGS. In addition, the stormwater swale will protect Pomponio Creek, a dispersal corridor for SFGS, from surface run-off from the adjacent stables and arenas and erosion. Per Mitigation Measure 4.b, the septic lines and leach field will be located a minimum of 200 ft. from creek and riparian areas, as

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approved by the project biologist. Therefore, the leach field would not impact the creek. No additional mitigation measures are necessary.

**ATTACHMENTS:**

- A. Vicinity Map of Project Parcel
- B. Map Showing Prime Soils and Topography
- C. Map Showing Project Site Plan Overlay and Prime Soils
- D. Architectural Plans
- E. Grading and Drainage Plan
- F. Erosion Control Plan
- G. Department of Conservation Policy regarding the breeding and training of horses for commercial sale for properties under the Williamson Act
- H. POST Conservation Easement and Map
- I. Manure Management Plan
- J. Biological Resources Assessment Report, Pomponio Ranch, San Gregorio, San Mateo County, California, by Dana Riggs and Rob Schell, WRA Environmental Consultants, dated November 2013
- K. Geotechnical Study, Pomponio Ranch Barn, 3300 Pomponio Creek Road, San Gregorio, California, prepared by Sigma Prime Geosciences, Inc., July 8, 2013
- L. Letter from Cal Fire, dated September 5, 2013, regarding Alternate Methods or Materials for 3300 Pomponio Creek Road

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Note: Only Attachments G and I of the IS/MND are attached here. Attachments A through F, and H of the IS/MND are provided as attachments to this staff report. Attachments J through L of the IS/MND are available at the Current Planning Section.

In response to requests from the California Department of Food and Agriculture and the California Horse Council, the Department of Conservation proposes the following clarification of the California Land Conservation Act of 1965, otherwise known as the Williamson Act. (Gov. Code, §§ 51200 et seq.)

The Department of Food and Agriculture is the State agency mandated to execute the provisions of the California Food and Agricultural Code, and is statutorily required to promote and protect the agricultural industry of this State. (Food & Agr. Code, §§ 401 & 404) The Department of Food and Agriculture has asserted the equine industry is within its regulatory mandate.

The Department of Food and Agriculture has forwarded to the Department of Conservation a request for clarification from the State's commercial equine industry, as represented by the California Horse Council, a private organization. That request is supported by the California Department of Food and Agriculture. The request specifically seeks clarification that commercial breeding and training, including training for racing, of horses constitutes commercial agricultural use of property.

The following clarification is being proposed as a matter of policy, in the exercise of discretion and general delegation, to the Department of Conservation of administrative responsibility for the Williamson Act and Open Space Subvention Act.

WHEREAS:

1. The breeding of horses has historically and culturally been conducted by farmers and ranchers in support of their agricultural operations.
2. In addition to farmers' and ranchers' breeding of their own horses, there is a long history and tradition in this State and nation recognizing the commercial breeding, including training and racing, of horses as an agricultural activity.
3. The horse breeding industry utilizes management of land, water, and feed as do other agricultural enterprises.
4. For purposes of the Williamson Act, it is only the recent changes in the state Penal Code, eliminating horses from being used as crop for human food, which distinguishes production of horses from production of those other "farm animals" that are generally and traditionally recognized as commercial agricultural products.
5. The horse breeding industry provides a product regularly traded in the market and, therefore, constitutes a commercial operation.
6. The Department of Food and Agriculture has been vested with authority to inspect and regulate the equine livestock industry, and to interpret and implement the California Food and Agricultural Code, which includes definitions of the term "agriculture" as it is used in this State; and the Department of Food and Agriculture, and its Equine Advisory Task Force support the California Horse Council's request for inclusion of commercial horse breeding and training within coverage of the Williamson Act, which coverage is limited to agricultural uses for the purpose of producing agricultural commodities for commercial purposes.

## POLICY:

For the reasons stated in 1 through 6 above, the breeding and training of horses for commercial sale may be considered, by local agencies, in their local rules and contracts, to be "producing an agricultural commodity for commercial purposes" pursuant to Government Code section 51201, subdivision (b). As with all statutory provisions and State interpretation, local agencies are free to implement the Williamson Act more restrictively, and may, therefore, adopt local rules or enter contracts that do not allow or limit commercial horse breeding activities or allow those uses as compatible activities.

For the reasons stated in 1 through 6 above, a facility dedicated to the commercial breeding and training of horses, including training for racing, may constitute an "agricultural use" of the land for purposes of subdivision (b) of section 51201 of the Government Code. But, as noted above, as with all statutory provisions and State interpretation, local agencies are free to implement the Williamson Act more restrictively, and may, therefore, adopt local rules or enter into contracts that do not allow, or limit commercial horse breeding activities or compatible activities.

To be "devoted to agricultural use" and, therefore, qualify for a Williamson Act contract as required by section 51242, subdivision (a) of the Government Code, the primary function of a commercial horse breeding or training facility must be commercial horse breeding or training for sale. Occasional sale or training as a secondary activity on the property shall not constitute commercial agricultural activity and qualify for inclusion as an agricultural use under this policy. Proof that horse breeding or training for sale is the primary function may include, but is not limited to, evidence that breeding or training for sale is the source of revenue or income to cover the cost(s) of the operation. Lack of such income or only occasional income can be evidence that the primary function is not commercial in nature.

In further clarification, recognition of commercial horse breeding and training facilities as a commercial agricultural operation and use of the land does not eliminate or in any way vitiate the principles of compatibility applicable to Williamson Act lands or any other requirements of the Act. Therefore, any ancillary uses or buildings cannot significantly compromise the long-term productive agricultural capability, or significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel, or cause significant removal of adjacent land from agricultural use, as provided by Government Code section 51238.1. However, some ancillary uses may be allowed, such as veterinary activities for the horses being bred or trained on-site. Similarly, it is within the local agency's discretion to include the rehabilitation of (a) horse(s) from injury to be within the greater scope of a breeding or training facility. The local agency is advised to use its discretion carefully when considering ancillary uses; while allowing one retired, or non-commercially bred horse to be kept may not displace commercial breeding operations, local agencies cannot allow violations of the Williamson Act or local rules or

contracts without subjecting the county or landowner to potential enforcement actions from the Department of Conservation or other landowners.

Since no reason has been provided to support a finding that the commercial viability of the breeding and training of horses is determined by the prime characteristics or carrying capacity of the land, the Department suggests that these operations are analogous to the agricultural use of non-prime soils and should be treated as such for the purposes of the Williamson Act. Consistent with the purpose of the Williamson Act to protect both agricultural land and open space, it is the Department's policy to strictly construe the legislative presumption codified in Government Code section 51222.

The policy stated herein does not allow commercial or non-commercial boarding or riding facilities, stables, equestrian centers, show arenas or event centers, or other similar facilities or operations that are not exactly equivalent to the breeding and training operations to be considered an "agricultural use" as described herein. Furthermore, the Williamson Act has been universally interpreted by the Department of Conservation to require some underlying "agricultural use" presently occurring on the property for any other non-agricultural uses to be "compatible" with the "agricultural use."

Nor does the policy stated herein allow the keeping, boarding, training, or other use of horses—or any other animals for personal use—to constitute an agricultural use for purposes of the Williamson Act.

In addition to general authority granted or delegated to the Department of Conservation, this policy is adopted pursuant to the specific authority expressly codified in Government Code section 51206 which states:

"The Department of Conservation may meet with and assist local, regional, State, and federal agencies, organizations, landowners, or any other person or entity in the interpretation of this chapter. The department may research, publish, and disseminate information regarding the policies, purposes, procedures, administration, and implementation of this chapter. This section shall be liberally construed to permit the department to advise any interested person or entity regarding this chapter."

The foregoing policy of the Department of Conservation is offered for clarification of the Williamson Act. This policy and any other guidance from the Department regarding the Act is limited by, and does not expand upon, the statutes and by case law interpreting the Act.

## **Pomponio Ranch Manure Management Plan**

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Horse manure will be collected from each barn daily and transported on the ranch to fields and spread in open fields outside of riparian buffer areas.

The proposed barn will have an automated manure removal system as shown on the project plans. The manure will be delivered to the rear portion of the barn for truck pick up.

The manure removal from the existing barn will be done with hand tools and also be removed by truck to appropriate areas on the ranch.

The manure will transported by ranch trucks and remain on Pomponio Ranch.

Pomponio Ranch is over 2,200 acres and has adequate area to spread manure from 21 horses.