

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

**DATE:** October 20, 2025

**TO:** Agricultural Advisory Committee

**FROM:** Sonal Aggarwal, Project Planner, [Saggarwal@smcgov.org](mailto:Saggarwal@smcgov.org)

**SUBJECT:** UPDATED REPORT: Consideration of after-the-Fact Planned Agricultural District (PAD) Permit to legalize the basement and first story of an existing cargo container storage building that was built without permits along with legalization of a man-made pond and a water tank on a legal 25,253 sq. ft. parcel located at 350 Madera Lane in the unincorporated San Gregorio area of San Mateo County; no trees were removed and approximately 98 cu. yd. of grading was required for the pond. The property is located in the La Honda Road County Scenic Corridor and qualifies for a Coastal Development Exemption for agriculture-related development.

County File Number: PLN2023-00112/VIO2022-00089 (Markegard)

**PROPOSAL**

The proposed project is an after-the-fact Planned Agricultural District (PAD) Permit to legalize a cargo container storage building that was built without permits and associated with VIO2022-00089. As currently built, the building is three stories on the northside (basement, first and second floor) and two stories on the southside (first and second floor). The second story of the building is proposed to be removed and relocated to a different site/location, making this building single-story facing La Honda Road. Staff approved a Coastal Development Exemption (CDX) for removing the second story of the building on February 26, 2025 (roof to be replaced on the building).

The first story of this cargo container building would be used for storing frozen, packed, and labeled beef, lamb, pork, and chicken associated with the property owner's offsite cattle ranch operation, as well as hay storage and a tool and maintenance shop use (1,312.32 sq. ft.). The proposal also includes the legalization of a 5,000-gallon plastic water tank (to be used as a fire suppression tank), and an existing man-made pond that was built by the owner. This pond is located approximately 2 feet 6 inches south of the building. A new bee yard is located towards the side and front of this building. The project involved no tree removal and approximately 98 cu. yd of grading, which was required to build the pond. The site is located in La Honda Road County Scenic Corridor. The project qualifies for a Coastal Development Exemption for agricultural development.

The application was first heard by the AAC at its January 13, 2025, meeting. Staff met with the applicant’s team on several occasions after this meeting to incorporate the feedback received from AAC. The summary of some of the revisions are listed below. Please also refer to Appendix E for the original January 13, 2025, AAC Staff Report.

The applicant has agreed to make these proposed changes to the project, which will be added as conditions of approval:

<b>Table 1 – Project Changes</b>	
<b>Proposal Presented on January 13, 2025</b>	<b>Revised Proposal on October 20, 2025</b>
Two-story stacked cargo containers	Second-story would be removed making the building into a single-story building facing La Honda Road
No sound attenuation for the freezer unit	A new sound wall enclosure would be installed around the freezer unit to reduce the noise and maintain noise levels to 55 dBA at daytime and 50 dBA at nighttime.
Illegal bathrooms/kitchen in the second story	With the removal of the second story the illegally built kitchen and bathrooms would be removed from this building.
Emergency generator located in the front setback	The emergency generator will be moved outside the front setback and will be required to meet the County’s accessory structure standards (3 feet from side and rear property lines).
No fencing to prevent habitat migration into the property and pond	A permanent biological fence would be installed around the property to prevent any wildlife from entering the property.

**DECISION MAKER**

Planning Commission

**BACKGROUND**

Report Prepared By: Sonal Aggarwal, Project Planner, [Saggarwal@smcgov.org](mailto:Saggarwal@smcgov.org)

Applicant/Owner: Erik Markegard

Location: 350 Madera Lane, San Gregorio, unincorporated San Mateo County

APN: 081-320-030

Parcel Size: 25,253 sq. ft. (0.58 acres)

Parcel Legality: The parcel’s legality was established through a Certificate of Compliance (CoC) Type-A Application, COC 75-0001 HIST.

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

General Plan Designation: Agriculture

Local Coastal Plan Designation: Agriculture

Williamson Act: Not contracted

Existing Land Use: Open space, Agriculture

Water Supply: There is one non-potable non-conforming well present at the site. There is also one 10,000-gallon permitted plastic water tank and another 5,000-gallon water tank that is proposed to be legalized under this permit. The 5,000-gallon plastic water tank is filled by the rainwater collected from the rooftop rain gutters of the storage building and would be dedicated for fire suppression in case of an emergency.

Sewage Disposal: There is no sewage disposal facility at the site.

Flood Zone: Flood Zone X (area of minimal flood hazard), FEMA Panel No. 06081C0380E; effective October 16, 2012.

Environmental Evaluation: As the site is located in the La Honda Road County Scenic Corridor, an Initial Study and Mitigated Negative Declaration is being currently circulated for this project from October 15 to November 5, 2025. The comment period will end on November 6, 2025.

Setting: The project site is a triangular-shaped 25,253 sq. ft. lot at the northeast intersection of Madera Lane and La Honda Road. It is surrounded by other agricultural lots on the left and rear sides of the site. Aside from the improvements that are proposed for legalization and described above, the site contains an existing barn (PLN2004-00647), one non-potable non-conforming well, two water tanks (PLN2004-00647), one pump house (PLN2011-00192) and a shed (PLN2010-00117). The parcel is relatively flat and is elevated above Madera Lane and La Honda Road.

Chronology:

<u>Date</u>	<u>Action</u>
1975	- The parcel's legality was established through a Certificate of Compliance (CoC) Type-A Application, COC 75-0001 HIST.
June 21, 2022	- VIO2022-00089 case opened
June 22, 2022	- Complaint filed for ongoing construction without permits.
March 31, 2023	- Subject planning application filed to address violation, Planning case PLN2023-00112

- January 13, 2025 - Agricultural Advisory Committee (AAC) meeting. The AAC expressed concerns regarding visual and noise impacts of freezer, unpermitted use of shed as residence, any required water rights, PG&E lines moved, purpose of existing well, required ADA compliant spaces, required planting/screening from public roads, etc.
  
- February 26,  
May 1 and 23, 2025 - Staff meets with the applicant's team
  
- October 15 to  
November 5, 2025 - Initial Study/Mitigated Negative Declaration (IS/MND) circulated for public comments
  
- October 20, 2025 - Agricultural Advisory Committee (AAC) meeting.

*Will the project be visible from a public road?*

The visibility of the storage building would be substantially reduced after removing the second-story containers. The property is relatively flat and elevated above the La Honda Road and Madera Lane roadway elevations. To mitigate any other potential visible impacts, the applicant will be required to paint the roof in green color and add at least four to five 15-gallon stock size screening trees near the southern property line facing La Honda Road. The applicant has agreed to comply with these conditions.

*Will any habitat or vegetation need to be removed for the project?*

No trees were removed during the construction of the storage building.

*Is there prime soil on the project site?*

The site does not contain prime soil.

## **DISCUSSION**

### **A. KEY ISSUES**

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

#### **1. Conformance with the General Plan:**

Staff have reviewed the project and found the project, as proposed and conditioned, to be in conformance with the applicable General Plan policies as follows:

##### **a. Visual Qualities**

Policy 4.15 (*Appearance of New Development*) and Policy 4.22 (*Scenic Corridors*) seek to regulate development to promote good design, site relationships, and to protect and enhance the visual quality of development within designated scenic corridors.

The project site is within the La Honda Road County Scenic Corridor. The proposed container storage building is located on a narrow triangular lot of 25,253 square feet. There is an existing barn, a pump house, a non-potable well, a shed, and a water tank present at the site. The approximately 10-foot tall existing barn is visible from La Honda Road. However, with the removal of the second-story containers off-site, potential view impacts would be significantly reduced. Additionally, the applicant has agreed to plant more trees along La Honda Road and paint the roof green to match the roof color of the existing barn. Hence, any potential view impact would be minimum, where these agricultural buildings would blend in well with other buildings viewed from La Honda Road. Mitigation measures 1 to 3 in the Initial Study/Mitigated Negative Declaration (IS/MND) require these modifications. See appendix G for the published IS/MND.

##### **b. Rural Lands**

Policy 9.23 (*Land Use Compatibility in Rural Lands*) and Policy 9.30 (*Development Standards to Minimize Land Use Conflicts with Agriculture*) encourage compatibility of land uses in order to promote the health, safety, and economy of rural lands, seek to maintain the scenic and harmonious nature of rural lands, and seek to: (1) promote land use compatibility by encouraging the location of new residential development immediately adjacent to existing developed areas, and (2) cluster development so that large parcels can be retained for the protection and use of vegetative, visual, agricultural, and other resources.

The project parcel has a land use designation of “Agriculture” and is dominated by surrounding open rural land. There is no prime soil on this parcel, and no residence is proposed. The second-story containers would be completely removed from the site. The pond and storage building are not located on prime soil and are clustered at the site. The applicant has also proposed other accessory activities such as growing herbs the planter boxes and installing a new bee yard that are Agriculturally supportive activities. The property will continue to be used for agricultural use. Any non-agricultural, unpermitted use of this site, such illegal lodging and boarding, would be dealt with future code violations citations to ensure that the property is used for agricultural purposes.

2. **Compliance with Local Coastal Program (LCP) Policies:**

a. **Locating and Planning New Development**

Policy 1.8 (*Land Uses and Development Densities in Rural Areas*) states that new development in rural areas shall not: (1) have significant adverse impacts, either individually or cumulatively on coastal resources, or (2) diminish the ability to keep all prime agricultural land and other lands suitable for agriculture in agricultural production.

The project, as proposed and conditioned, is anticipated to have a minimal adverse impact, either individually or cumulatively, on coastal resources. As the site does not contain any prime soil and no non-agricultural use is proposed, the project will not diminish the ability of land for future agricultural production.

b. **Agriculture**

The County’s Zoning Ordinance is the adopted implementation plan for the Local Coastal Program. Therefore, see the staff’s discussion in Section A.3.b. (Conformance with the Criteria for the Issuance of a PAD Permit) below for project compliance with applicable LCP Agricultural Policies.

c. **Location of development**

Policy 8.5 (*Location of development*) requires 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, best preserves the visual and open

space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which, on balance, most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5. 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 should use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

The proposed storage building would be used for storing agricultural products such as packed meat, beef, pork, etc. This use is supportive of agriculture. The pond would be used for watering on-site herbs, and is considered an agricultural pond, clustered with the storage building. The applicant has also agreed to reduce potential view impacts by removing the second story, painting the roof in green color and planting additional screening trees. Hence, the project is in compliance with LCP Policy 8.5 listed above.

d. Development Design

Policy 8.18. a. and b. (*Development Design*) Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area including, but not limited to, siting, design, layout, size, height, shape, materials, colors, access and landscaping. The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, design and shielded so as to confine direct rays to the parcel where the lighting is located. Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. (b) Require screening to minimize the visibility of development from scenic roads and other public viewpoints. Screening shall be by vegetation of other materials which are native to the area or blend with the natural environment and character of the site.

The existing second-story would be completely removed, making the building into a single-story facing La Honda Drive. There are no exterior lights proposed, and the applicant has agreed to paint the roof (above the single-story building) green color to match the color palette of the existing barn. There will be additional landscaping planted along La Honda Road, and additional screening installed around the first-

floor freezer unit to mitigate potential view and noise impacts. Hence, staff has determined that the project is as close to compliance as feasible with the above-stated policy.

e. Riparian Corridor/Wetland

*Policy 7.7 (Definition of Riparian Corridors)* Define riparian corridors by the “limit of riparian vegetation” (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

*Policy 7.17 (Definition of Wetland)* Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soil is not hydric. In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

The existing pond on the property was created by the owner by grading less than 150 cu. yd. per year. It does not meet the definition of wetland or riparian corridor as it is man-made and has standing water during normal rainfall years. No setbacks are required for manmade impoundments. Hence, no setbacks are required between this agricultural pond and the building. No Grading Permit is necessary as the grading quantity was less than the established threshold for a Grading Permit (250 cubic yards).

3. **Compliance with Planned Agricultural District (PAD) Regulations:**

a. **Conformity with the PAD Development Standards**

As shown in the table below, the proposed storage building complies with Sections 6358 and 6359 of the San Mateo County Zoning Regulations, which regulates the height and required setbacks of structures. Revised building elevations incorporating the changes discussed in this staff report such as the sound wall, removed second story painted green roof would be submitted at the building permit stage. Staff will add a condition that the height of the revised building shall not exceed 20 feet.

<b>Table 2 - Conformity with the PAD Development Standards</b>		
	<b>PAD Development Standards</b>	<b>Proposed</b>
Minimum Lot Size	N/A	25,253 sq. ft. (0.58 Acres)
Minimum Front Setback	30 feet	Approximately 44 feet-1 ¼ inches
Minimum Side Setbacks	20 feet	69 feet – 8 ½ inches (right) 27 feet-4 ½ inches (left)
Minimum Rear Setbacks	20 feet	163 feet- 5 ¼ inches
Maximum Building Height	36 feet	Approximately 20-feet

b. **Conformance with the Criteria for the Issuance of a PAD Permit**

The project was first heard at the AAC meeting on January 13, 2025, and they raised the following issues/concerns at the meeting as shown below.

<b>Table 3 - Concerns raised by AAC Committee Members</b>		
<b>Concern raised by AAC Committee Members</b>	<b>Staff's follow-up/Response</b>	<b>Status</b>
<i>Is a water right needed from San Gregorio Water Master to harvest rainwater in the pond?</i>	Staff followed up with the representatives of San Gregorio Water Master (Stetson Engineers) and confirmed that no water right is required if surface water is not diverted from a creek. San Gregorio Creek is located approximately 854 feet south of the property and El Corte Madera Creek approximately 500 feet	Resolved, no further action needed

	north of the property. No water rights are required to collect rainwater from roof top gutters, and hence no water right is required.	
<i>Purpose of the pond/why no grading permit was required?</i>	Please see discussions under A.2. e. above.	Resolved, no further action needed
<i>PG&amp;E power lines were moved</i>	Staff received a confirmation email from PG&E staff stating that they have no issues with the pond. The applicant will be required to obtain all necessary permits with PG&E separately. See Appendix H for the communication.	Resolved, no further action needed
<i>Planting additional trees may not be sufficient to screen building</i>	See discussion under A.1.a. and b. above.	Resolved with revised proposal
<i>Illegally constructed bathroom in the shed next to the existing barn</i>	See discussion under A.1.a. and b. above.	The applicant has agreed to remove all illegally constructed units from the site. A building final inspection will be added to satisfy this requirement.
<i>Illegal living units on the second story</i>	See discussion under A.1.a. and b. above.	Resolved with revised proposal
<i>Purpose of existing well, required setbacks and purpose of the well</i>	The existing well is a non-conforming, non-potable well that cannot be used for drinking, and can only be used for agricultural purposes. Per Environmental Health Services, existing non-conforming well can be located at a reduced setback if it is continued to be used for agricultural purposes. The applicant would be required to obtain all necessary permits from Environmental Health Services and install signs at the site that the well water cannot be used for drinking water.	Resolved with revised proposal and conditions of approval
<i>ADA compliant spaces and number of required parking</i>	The proposal shows 8 parking spaces, where 1 space is required for each 2,000 sq. ft. of floor area. required per Section 6119 of the Zoning Regulations.	No ADA space is required as the site is not open to the public. A condition will be added to

	8 parking spaces are more than enough for this storage building.	make sure this is not a public use site.
On-site sanitation and water facilities for the employees	Per the applicant, no employees would be working from the site for extend period of times. They will only come occasionally to pick up packed meat and load them into trucks. Hence, no on-site sanitation facilities are required. Any required drinking water can be supplied from packaged drinking water bottles.	Resolved, no further action needed
Tenants living on the property	Code Compliance has confirmed that no one was found living at the site during the September 7, 2022, site inspection. Also, please see discussion under A.1. b. above.	Resolved, no further action needed
Noise Thresholds violated	Per the inspection conducted by the Code Compliance Staff, all noise readings for refrigeration container unit were between 42 dBA – 47 dBA, which confirmed that the Noise Ordinance was not violated. The daytime noise level limit is 55 dBA; nighttime limit is 50 dBA (these limits are based on a 30-minute period) (See Appendix I)	Resolved, no further action needed

Further, in order to approve and issue a PAD permit, the project must comply with the substantive criteria for the issuance of a PAD permit, as outlined in Section 6355 of the Zoning Regulations. As proposed, the project complies with the following applicable policies.

(1) General Criteria

- (a) *The encroachment of all development upon land which is suitable for agriculture shall be minimized.*

The project site has no prime soil. The applicant has also proposed raised garden beds, which would be supplied by non-potable water from the pond and run-off from the barn and container storage building. As the building will be used to store agricultural and farm produce, hay, and poultry, and stored meat products are distributed from this facility, the building is determined to be supportive of agriculture. However, a PAD Permit is required as the project falls under Section 6353.B.12 as “Facilities for the

processing, storing, packaging, and shipping of agricultural products.”

- (b) *All development permitted on a site shall be clustered.*

The proposed pond, water tank, and storage building are clustered at the site.

- (c) *Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.*

The project has been reviewed under and found to comply with the Development Review Criteria in Chapter 20A.2 of the County Zoning Regulations. Specifically, the project complies with the Site Design, Primary Agricultural Resource Criteria, and Primary Natural Vegetative Area Criteria, as no significant trees were removed during construction, the development is clustered, and the proposed use is compatible with agriculture.

(2) Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

Conversion of lands suitable for agriculture and other lands is permitted in the PAD when the following can be demonstrated:

- (a) *All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.*

The project site has no prime soil and is small for a commercially viable agricultural operation; therefore, the site is appropriate for the proposed accessory to agriculture uses and can still be used for small farming activities, such as proposed, or other compatible uses listed under Zoning Regulations Section 6352.B. (Permitted Uses on Land Suitable for Agriculture and Other Lands).

- (b) *Continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.*

The subject parcel is not large enough to support a commercial agriculture, grazing and/or cattle-raising operation. The proposed storage and refrigeration use directly supports the applicant's agricultural operation both in San Mateo County and outside of the County. Furthermore, the applicant intends to utilize undeveloped areas of the property for growing herbs and vegetables and keeping bees.

- (c) *Clearly defined buffer areas are developed between agricultural and non-agricultural uses.*

Only agricultural and accessory to agricultural uses are proposed, which would have no off-site impacts to surrounding agricultural uses.

- (d) *The productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing.*

The project parcel is located between two parcels practicing active agriculture towards the west and east of the site. The parcel to the north and northeast is a larger 624.21-acre parcel known as "Redgate Ranch", while the parcel to the west contains residential use associated with an onsite agricultural operation. La Honda Road runs at the south of the parcel and separates the parcel from other agricultural parcels. The productivity of these adjacent agricultural lands is not expected to be impacted by the proposed project.

- (e) *Public service and facility expansions and permitted uses do not impair agricultural viability either through increased assessment costs or degraded air and water quality.*

The site is not served by public water or sewer service.

## **ATTACHMENTS**

- A. Vicinity Map
- B. Project Plans
- C. Geotechnical Investigation Design Phase, prepared by Butano Geotechnical Engineering, Inc., dated September 2022
- D. Site visit pictures from November 22, 2024
- E. Original AAC Staff Report of January 13, 2025
- F. Communication with Stetson Engineering, dated January 16, 2025

- G. Mitigated Negative Declaration, circulated from October 15 to November 5, 2025.
- H. PG&E Letter dated September 17, 2024.
- I. Noise Reading from Environmental Health Specialist, recorded September 7, 2022

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

**DATE:** January 13, 2025

**TO:** Agricultural Advisory Committee

**FROM:** Sonal Aggarwal, Project Planner, [Saggarwal@smcgov.org](mailto:Saggarwal@smcgov.org)

**SUBJECT:** After-the-Fact Planned Agricultural District (PAD) Permit to legalize an existing 2,299 sq. ft., three-story cargo container storage building that was built without permits along with legalization of a pond and a 5,000-gallon plastic water tank on a legal 25,253 sq. ft. parcel located at 350 Madera Lane in the unincorporated San Gregorio area of San Mateo County; no trees were removed and approximately 98 cu. yd. of grading was required for the pond. The property is located in the La Honda Road County Scenic Corridor.

County File Number: PLN2023-00112 (Markegard)

**PROPOSAL**

The proposed project is an after-the-fact Planned Agricultural District (PAD) Permit to legalize a 2,299 sq. ft., three-story cargo container structure that was built without permits and associated with VIO2022-00089. The basement of the building would be used for storing agricultural supplies, tools, and equipment (346.69 sq. ft.). The first floor is used for storing frozen packed and labeled beef, lamb, pork, and chicken associated with the property owner's offsite cattle ranch operation, hay storage, tool, and maintenance shop (1,312.32 sq. ft.), while the second floor will be used for packing, storing, and shipping of agricultural products (herbs, honey, meat rubs) (640 sq. ft.). The existing second-story of the building currently contains an illegally constructed bedroom, bathroom, and kitchen which is required to be removed prior to the building final inspection of this project. The proposal also includes the legalization of a 5,000-gallon plastic water tank, and an existing pond that was built by the owner without permits. This pond is proposed to be used for watering on-site herbs and vegetable gardens. A new bee yard is also proposed on the side and front. The project involved no tree removal and approximately 98 cu. yd of grading, which was required to build the pond. The site is located in La Honda Road County Scenic Corridor. The project qualifies for a Coastal Development Exemption for agriculturally related development.

## **DECISION MAKER**

Planning Commission

## **QUESTIONS FOR THE AGRICULTURAL ADVISORY COMMITTEE**

1. Will the proposal have a negative effect on surrounding agricultural uses? If yes, can any conditions of approval be recommended to minimize the impact?
2. Will the project have any negative view impacts from La Honda Road or Madera Lane?
3. What position do you recommend the Planning staff take with respect to this project application?

## **BACKGROUND**

Report Prepared By: Sonal Aggarwal, Project Planner, [Saggarwal@smcgov.org](mailto:Saggarwal@smcgov.org)

Applicant/Owner: Erik Markegard

Location: 350 Madera Lane, San Gregorio, unincorporated San Mateo County

APN: 081-320-030

Parcel Size: 25,253 sq. ft. (0.58 acres)

Parcel Legality: The parcel's legality was established through a Certificate of Compliance (CoC) Type-A Application, COC 75-0001 HIST.

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

General Plan Designation: Agriculture

Local Coastal Plan Designation: Agriculture

Williamson Act: Not contracted

Existing Land Use: Open space, Agriculture

Water Supply: There is one non-potable well present at the site. There is also one 10,000-gallon permitted plastic water tank and another 5,000-gallon water tank which is proposed to be legalized under this permit.

Sewage Disposal: There is no sewage disposal facility at the site.

Flood Zone: Flood Zone X (area of minimal flood hazard), FEMA Panel No. 06081C0380E; effective October 16, 2012.

Environmental Evaluation: An Initial Study and Mitigated Negative Declaration is required for this project due to its location in the La Honda Road County Scenic Corridor. Staff will prepare and circulate this report for public comments before taking the project to the Planning Commission for decision.

Setting: The project site is a triangular-shaped 25,253 sq. ft. lot at the northeast intersection of Madera Lane and La Honda Road. It is surrounded by other agricultural lots on the left and rear sides of the site. Aside from the improvements that are proposed for legalization and described above, the site contains an existing barn (PLN2004-00647), one non-potable well, two water tanks (PLN2004-00647), one pump house (PLN2011-00192) and a shed (PLN2010-00117). The parcel is relatively flat and is elevated above Madera Lane and La Honda Road.

Chronology:

<u>Date</u>	<u>Action</u>
June 22, 2022	- Complaint filed for ongoing construction without permits.
June 29, 2022	- Code Compliance Division conducted a site visit to verify on-site conditions.
July 11, 2022	- Notice of Violation, VIO2022-00089, sent to applicant and extension granted until September 21, 2022.
September 1, 2022	- The property owner requested an extension. Extension granted until October 21, 2022.
September 7, 2022	- Environmental Health conducted a site visit to verify noise level of freezer storage mechanical equipment and verified the noise levels between 42 dBA to 47 dBA (Noise Ordinance requirement is 55 dBA daytime, and 50 dBA nighttime). Staff also confirmed that no one was living onsite.
December 3, 2022	- Second complaint received for operational living quarter.
December 16, 2022	- Code Compliance staff conducted site visit to verify that no one was living onsite.
March 31, 2023	- Subject planning application filed to address violation, Planning case PLN2023-00112.

- May 23, 2023 - Application deemed incomplete by Planning; reviewing agencies still pending.
- June 9, 2023 - Coastside Fire approved the project with conditions.
- August 25, 2023 - Environmental Health completed its review and provided comments.
- February 1, 2024 - Planning staff met with the applicant to discuss incomplete items.
- October 2, 2024 - Resubmittal filed by applicant.
- November 22, 2024 - Planning staff conducted a site visit.
- December 5, 2024 - Application deemed incomplete, and comments on resubmittal sent to the applicant.
- January 13, 2025 - Agricultural Advisory Committee (AAC) meeting.

*Will the project be visible from a public road?*

Yes, the project is visible from La Honda Road and Madera Lane. The property is relatively flat and elevated above the La Honda Road and Madera Lane roadway elevations. The cargo container structure is approximately 31 feet-2 inches tall and is approximately 100 feet away from La Honda Road. To mitigate the visible impacts, the applicant will be required to plant more screening trees near the southern property line facing La Honda Road. The applicant agrees to comply with this condition.

*Will any habitat or vegetation need to be removed for the project?*

The applicant has confirmed that no trees were removed during the construction of the storage building. The site is mostly flat without much vegetation. Staff has asked the applicant to prepare and submit a Biological Report for any potential impacts to the habitat.

*Is there prime soil on the project site?*

The site doesn't contain prime soils.

## DISCUSSION

### A. KEY ISSUES

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

#### 1. Conformance with the General Plan:

Staff has reviewed the project and found it to be in conformance with the applicable General Plan policies as follows:

##### a. Visual Qualities

Policy 4.15 (*Appearance of New Development*) and Policy 4.22 (*Scenic Corridors*) seek to regulate development to promote good design, site relationships, and to protect and enhance the visual quality of development within designated scenic corridors.

The project site is within the La Honda Road County Scenic Corridor. The proposed container storage building is located on a narrow triangular lot of 25,253 square feet. There is only one existing barn, one pump house, one non-potable well, one shed, and a water tank present at the site. The existing barn is also visible from La Honda Road. However, staff would require mitigation measures such as tree plantings towards La Honda Road to minimize public view impacts. The container storage building will have gray siding with green roofing to match the existing barn.

##### b. Rural Lands

Policy 9.23 (*Land Use Compatibility in Rural Lands*) and Policy 9.30 (*Development Standards to Minimize Land Use Conflicts with Agriculture*) encourage compatibility of land uses in order to promote the health, safety, and economy of rural lands, seek to maintain the scenic and harmonious nature of rural lands, and seek to: (1) promote land use compatibility by encouraging the location of new residential development immediately adjacent to existing developed areas, and (2) cluster development so that large parcels can be retained for the protection and use of vegetative, visual, agricultural, and other resources.

The project parcel has a land use designation of “Agriculture” and is dominated by open rural land. There are no prime soils on this parcel, and no residence is proposed. The existing unpermitted unit on the second floor will be removed, and the applicant will be required to obtain all necessary permits before the issuance of the building permit. A condition of approval would be included for tree plantings towards La Honda Road to mitigate any view impacts. The pond and cargo container structure are clustered at the site. The pond will be used for agricultural purposes (i.e., watering on-site herbs and vegetable gardens).

2. Compliance with Local Coastal Program (LCP) Policies:

a. Locating and Planning New Development

Policy 1.8 (*Land Uses and Development Densities in Rural Areas*) states that new development in rural areas shall not: (1) have significant adverse impacts, either individually or cumulatively on coastal resources, or (2) diminish the ability to keep all prime agricultural land and other lands suitable for agriculture in agricultural production.

The project is not anticipated to have any adverse impact either individually or cumulatively on coastal resources. As the site does not contain any prime soil and all proposed farming will be conducted in raised garden beds, the proposed project will not diminish the ability of land for future agricultural production.

b. Agriculture

The County’s Zoning Ordinance is the adopted implementation plan for the Local Coastal Program. Therefore, see staff’s discussion in Section A.3.b. (Conformance with the Criteria for the Issuance of a PAD Permit) below for project compliance with applicable LCP Agricultural Policies.

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

a. Conformity with the PAD Development Standards

As shown in the table below, the proposed storage building complies with Sections 6358 and 6359 of the San Mateo County Zoning Regulations, which regulates the height and required setbacks of structures.

	PAD Development Standards	Proposed
Minimum Lot Size	N/A	25,253 sq. ft. (0.58 Acres)
Minimum Front Setback	30 feet	44 feet-1 ¼ inches
Minimum Side Setbacks	20 feet	69 feet – 8 ½ inches (right) 27 feet-4 ½ inches (left)
Minimum Rear Setbacks	20 feet	163 feet- 5 ¼ inches
Maximum Building Height	36 feet	31 feet- 1 inches

b. Conformance with the Criteria for the Issuance of a PAD Permit

In order to approve and issue a PAD permit, the project must comply with the substantive criteria for the issuance of a PAD permit, as outlined in Section 6355 of the Zoning Regulations. As proposed, the project complies with the following applicable policies.

(1) General Criteria

- (a) *The encroachment of all development upon land which is suitable for agriculture shall be minimized.*

The project site has no prime soil. The applicant has also proposed raised garden beds, which would be supplied by non-potable water from the pond and run-off from the barn and container storage building. As the building will be used to store agricultural and farm produce, hay, and poultry, and stored meat products are distributed from this facility, the building is classified as supportive of Agriculture. However, a PAD Permit is required as the project falls under Section 6353.B.12 as “Facilities for the processing, storing, packaging, and shipping of agricultural products.”

- (b) *All development permitted on a site shall be clustered.*

The proposed pond, water tank and storage building are clustered at the site.

- (c) *Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.*

The project has been reviewed under and found to comply with the Development Review Criteria in Chapter 20A.2 of the County Zoning Regulations. Specifically, the project complies with the Site Design, Primary Agricultural Resource Criteria, and Primary Natural Vegetative Area Criteria, as no significant trees were removed during construction, the development is clustered, and the proposed use is compatible with agriculture.

(2) Water Supply Criteria

- (a) *The existing availability of water shall be demonstrated for all non-agricultural uses. Each existing parcel developed with non-agricultural uses shall demonstrate a safe and adequate well water source located on that parcel.*

The project site contains one non-potable well that is used only for agricultural purposes. The applicant would be required to obtain all necessary permits from Environmental Health Services for this well and install signs at the site that the well water cannot be used for drinking water.

- (b) *Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.*

The proposed approximately 885 sq. ft. pond will serve as an additional agricultural water supply for proposed onsite herb and vegetable gardening. The pond is supplied by water runoff from the container storage building and barn. Furthermore, staff does not anticipate that the project will have any potential impacts to sensitive habitats protection in the area.

(3) Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

Conversion of lands suitable for agriculture and other lands is permitted in the PAD when the following can be demonstrated:

- (a) *All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.*

While the proposed improvements are already built, they are located on the site in the most suitable location when considering scenic corridor policies and policies encouraging the clustering of development. Furthermore, the site maintains ample space in the front and side setbacks for agriculture. The project site has no prime soil; therefore, the site can still be used for small farming activities, such as proposed, or other compatible uses listed under Zoning Regulations Section 6352.B. (Permitted Uses on Land Suitable for Agriculture and Other Lands).

- (b) *Continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.*

The subject parcel is not large enough to support a commercial grazing and/or cattle-raising operation. Though surrounding parcels do contain active agriculture (i.e., crops) and/or grasslands suitable for grazing they are held under separate ownership. There are no plans to combine and lease the land for either cattle rearing/grazing and/or for a commercial agriculture operation. Furthermore, the applicant intends to utilize undeveloped areas of the property for growing herbs and vegetables and keeping bees.

- (c) *Clearly defined buffer areas are developed between agricultural and non-agricultural uses.*

This site is relatively small in size as compared to other neighboring agricultural properties. The as-built setbacks comply with zoning standards and staff believes they are sufficient to provide clearly defined buffer between any agricultural and non-agricultural uses in the area.

- (d) *The productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing.*

The project parcel is located between two parcels practicing active agriculture towards the west and east of the site. The parcel to the north and northeast is a larger 624.21-acre parcel known as “Redgate Ranch”, while the parcel to the west contains residential use associated with an onsite agricultural operation. La Honda Road runs at the south of the parcel and segregates the parcel from other agricultural parcels. The productivity of these adjacent agricultural lands is not expected to be impacted by the proposed project.

- (e) *Public service and facility expansions and permitted uses do not impair agricultural viability either through increased assessment costs or degraded air and water quality.*

There are two water tanks at this site, a 5,000-gallon tank (to be legalized) and an existing 10,000-gallon water tank that was legally added with the existing barn under PLN2004-00279. These tanks are currently filled by runoff from the barn and will be available to the Fire Department in case of any emergencies.

A septic tank is not proposed or required as no living units are being approved on the site. The existing well will be maintained as an agricultural use well only. The existing unpermitted bedroom, kitchen and bath on the second floor will be removed and converted into packing and shipping of agricultural products. All other utilities such as an emergency generator that supplies power to the ground floor meat freezer units in case of an emergency is required to meet the County’s Noise decibel limit, which is 55 dBA during daytime and 40 dBA during nighttime.

## **ATTACHMENTS**

- A. Vicinity Map
- B. Project Plans
- C. Geotechnical Investigation Design Phase, prepared by Butano Geotechnical Engineering, Inc., dated September 2022
- D. Site visit pictures from November 22, 2024