

ORDINANCE NO. 04530
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE AMENDING DIVISION VI OF THE SAN MATEO COUNTY
ORDINANCE CODE (ZONING ANNEX) TO REVISE THE ZONING TEXT, APPENDIX
A (PLANNED UNIT DEVELOPMENTS) TO ENACT THE PLANNED UNIT
DEVELOPMENT NO. 135 (PUD-135) ZONING DISTRICT REGULATIONS ON AN
APPROXIMATELY 166 ACRE AGRICULTURAL PROPERTY LOCATED AT 19775
SKYLINE BOULEVARD, IN THE UNINCORPORATED LA HONDA AREA**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows

SECTION 1. The San Mateo County Ordinance, Division VI, Part One, Zoning Maps, Appendix A (Special Districts and Planned Unit Developments) is hereby amended to establish and enact the Planned Unit Development No. 135 (PUD-135) to read as follows:

PUD-135. PLANNED UNIT DEVELOPMENT SECTIONS

1. PURPOSE
2. DEVELOPMENT PLAN
3. RESTRICTION TO PERMITTED USES
4. HEIGHT, SETBACKS, FLOOR AREA AND LOT COVERAGE
5. MAINTENANCE OF LANDSCAPING
6. RESTRICTION OF OUTDOOR LIGHTING
7. SIGNAGE
8. WATER EXTRACTION LIMITS

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9. SOLAR PANEL RESTRICTIONS
10. PROTECTED HABITAT AREA
11. PURPLE NEEDLEGRASS GRASSLAND RESTORATION
12. NOISE MAKING DEVICES
13. PROHIBITION OF COMMERCIAL AGRICULTURE IN WOODHAMS
CREEK WATERSHED

SECTION 1. PURPOSE. The following PUD-135 regulations shall govern the land use and development of a winery and associated vineyard development (described below) on an approximately 166-acre property located at 19775 Skyline Boulevard, northeast of the unincorporated community of La Honda, within unincorporated San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

SECTION 2. DEVELOPMENT PLAN. All development shall conform to the development plans (County File Number PLN 2001-00786) for the subject property as approved by the Board of Supervisors on November 30, 2010, and on file in the office of the County Planning Department. Those plans include the following specific elements: (a) adjustment of the lot lines affecting APN 078-230-010 and APN 078-230-060, to exchange approximately 22.8-acre portions of the foregoing parcels, for the purpose of relocating potential future vineyards out of the Woodhams Creek Watershed, (b) construction and operation of a

winery, capable of producing approximately 13,000 cases of wine per year, within the subterranean cave complex on the property, (c) planting, irrigation and cultivation of grapes on up to 62 acres of the property, together with all agricultural activities associated with commercial grape cultivation, (d) construction of the other agricultural buildings and improvements described in the approved plans, (e) provision and maintenance of all new and approved landscaping, vehicle parking areas and roads and surface materials and drainage improvements described in the plans. No enlargements or design modifications to the buildings shall be allowed unless they are determined to be minor and approved by the Community Development Director. The Community Development Director shall make any necessary determination of conformity with the approved plans.

SECTION 3. RESTRICTION TO PERMITTED USES. Only the following uses shall be allowed: Commercial agricultural production, commercial winery operations (including harvesting, processing, fermenting, bottling, storage and sale of wine in accordance with valid state licenses), and residential occupation of the property as described in the plans. Commercial group tours, commercial events such as weddings and corporate parties, and retail wine-tasting operations open to the public are not permitted.

SECTION 4. HEIGHT, SETBACKS, FLOOR AREA AND LOT COVERAGE.

Heights of buildings, improvement setbacks, building floor area and lot coverage shall conform to the approved plans.

SECTION 5. MAINTENANCE OF LANDSCAPING. All proposed non-agricultural landscaping (trees, flowers, shrubs, groundcover) shown on the approved landscape plan shall be maintained in a healthy condition. Dead landscape elements shall be replaced promptly.

SECTION 6. RESTRICTION OF OUTDOOR LIGHTING. All light glare shall be contained on the subject property and shall not project onto or at any adjacent residential use.

SECTION 7. SIGNAGE. Direction signs sufficient to guide commercial agricultural deliveries to the Clos de la Tech Winery shall be maintained at all road and driveway intersections, in order to restrict winery vehicle traffic to the proper routes along public roads and private driveways. No winery direction signs may be illuminated, and their dimensions shall be subject to approval by the Community Development Director.

SECTION 8. WATER EXTRACTION LIMITS. Prior to the planting of any new vineyard acreage, the applicant shall, at his expense, drill a well to monitor groundwater levels in the area near Tunnel Springs. The location and monitoring protocol for said well shall be established in consultation with the San Mateo County Planning Department and the Environmental Health Services Division of the San Mateo County Health Department. If the monitoring well is to be located on land to be transferred to an owner other than the applicant, then the applicant shall establish an easement that would allow for maintenance

of the monitoring well and its equipment. Results of the monitoring shall be transmitted to the San Mateo County Community Development Director and the Environmental Health Services Division of the San Mateo County Health Department on an annual basis. If water levels in the monitoring well drop below a threshold (to be determined as part of the monitoring protocol), then the applicant shall cease pumping of his wells until such time as water levels in the monitoring well return to the threshold level.

SECTION 9. SOLAR PANEL RESTRICTION. Solar energy collection panels, with the exception of small panels powering meteorological and similar equipment, are prohibited.

SECTION 10. PROTECTED HABITAT AREA. 80 acres of the 166-acre property located outside of the footprint of the winery and associated vineyard development as delineated on the Development Plan ("Protected Habitat Area") shall be preserved in their current undeveloped condition as potential habitat. The attached map titled "Protected Potential Habitat Area" outlines the maximum envelope within which the 80-acre Protected Habitat Area shall occur.

Within the Protected Habitat Area the following uses and activities are prohibited:

- (a) Unseasonable watering; use of fertilizers, pesticides, biocides, herbicides or other agricultural chemicals; weed abatement activities; and incompatible fire protection activities.

- (b) Use of off-road vehicles and use of any other motorized vehicles except on existing roadways.
- (c) Agricultural activity of any kind.
- (d) Recreational activities, including, but not limited to, horseback riding, biking, hunting or fishing except for personal, non-commercial, recreational activities of the owner of the affected property and his or her guests.
- (e) Commercial, industrial, residential, or institutional uses.
- (f) Any legal or de facto division, subdivision or partitioning of the Protected Habitat Area except for the purposes of environmental preservation.
- (g) Construction, reconstruction, erecting or placement of any building, billboard or sign.
- (h) Depositing or accumulation of soil, trash, ashes, refuse, waste, bio-solids or any other materials.
- (i) Planting, introduction or dispersal of non-native or exotic plant or animal species.
- (j) Filling, dumping, excavating, draining, dredging, mining, drilling, removing or exploring for or extracting minerals, loam, soil, sand, gravel, rock or

other material on or below the surface of the Protected Habitat Area, or granting or authorizing surface entry for any of these purposes.

- (k) Altering the surface or general topography of the Protected Habitat Area, including, but not limited to, any alterations to habitat, building roads or trails, paving or otherwise covering the Protected Habitat Area with concrete, asphalt or any other impervious material.
- (l) Removing, destroying, or cutting of trees, shrubs or other vegetation, except as required by law for (i) fire breaks, (ii) maintenance of existing foot trails or roads, or (iii) prevention or treatment of disease.
- (m) Impounding or altering any natural water course, body of water or water circulation on the Protected Habitat Area, and any activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters.

SECTION 11. PURPLE NEEDLEGRASS GRASSLAND RESTORATION. The owner of the affected property shall restore five (5) acres of purple needlegrass grassland within the Protected Habitat Area. The purple needlegrass grassland acreage shall be of high-density, meaning at least twenty (20) percent coverage.

The affected property owner shall:

- Ensure that transplanting, planting, and seeding includes local, native purple needlegrass at densities that are appropriate for the site and

recommended by a qualified biologist. The sources of plugs and seeds shall be from on-site or another local source to maintain the genetic integrity of the on-site population.

- For the first five (5) years of the restoration efforts, provide an annual report to the County, to be prepared by a qualified biologist or botanist, documenting how the restoration is meeting the coverage criteria.
- Provide Funding assurances acceptable to the County that will be sufficient to guarantee successful performance success of the restoration and monitoring.

SECTION 12. NOISE MAKING DEVICES. The use of noise making devices for bird/pest control within the vineyards shall be prohibited. Said prohibition shall be incorporated into the final PUD ordinance language.

SECTION 13. PROHIBITION OF COMMERCIAL AGRICULTURE IN WOODHAMS CREEK WATERSHED. Commercial agriculture by the owners and successors of the property governed by this PUD ordinance is prohibited within the Woodhams Creek Watershed.

SECTION 2. This Ordinance shall be in full force and effect thirty (30) days after its passage.

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LSA

LEGEND

- Project Site
- Vineyard and Vineyard Operations Area
- Proposed Vineyard Area
- Protected Habitat Area
- Purple Needle Grass Grassland Restoration Area



SOURCE: Aerial Imagery from GlobeXplorer, May 2009.
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Clos de la Tech Winery Project EIR

PRELIMINARY Potential Protected Habitat Area

Note: The potential habitat area shown on this map represents a maximum envelope of protected land; the 80 acres of habitat area that would be preserved on the site would be located within this maximum envelope.

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Regularly passed and adopted this 30th day of November, 2010.

AYES and in favor of said ordinance:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

CAROLE GROOM

*Vice President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

R Romero

*Rebecca Romero, Deputy
Clerk of the Board of Supervisors*

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