



Planning & Building Department Planning Commission

Kumkum Gupta, 1st District
Frederick Hansson, 2nd District
Lisa Ketcham, 3rd District
Manuel Ramirez, Jr., 4th District
Mario Santacruz, 5th District

County Office Building
455 County Center
Redwood City, California 94063
650/363-1859

ACTION MINUTES

Approved

MEETING NO. 1689

Wednesday, May 13, 2020

****BY VIDEO CONFERENCE ONLY****

Chair Hansson called the meeting to order at 9:00 a.m.

Pledge of Allegiance: The Pledge of Allegiance was led by Janneth Lujan, Planning Commission Secretary.

Roll Call:

Commissioners Present:	Gupta, Ketcham, Hansson, Santacruz, Ramirez
Commissioners Absent:	None
Staff Present:	Monowitz, Fox

Legal notice published in the San Mateo County Times on May 2, 2020 and in the Half Moon Bay Review on May 6, 2020.

Oral Communications via written comment only via email: None

Consideration of the Minutes of the Planning Commission meetings for March 25, 2020 and April 22, 2020

Commissioner Gupta moved, and Commissioner Santacruz seconded, that the minutes be approved as revised. **Motion carried 5-0-0-0.**

REGULAR AGENDA

9:00 a.m.

- Owner:** Skrrr, LLC
Applicant: Aneese Bishara
File Number: PLN2018-00330
Location: 37 Frenchman's Creek Road, Unincorporated Half Moon Bay
Assessor's Parcel No: 048-320-020

Consideration of a Coastal Development Permit and Planned Agricultural District Permit, and certification of an Addendum to the previously adopted Mitigated Negative Declaration, to legalize two greenhouses (11,498 sq. ft. and 11,102 sq. ft.) and authorize construction of a 28,000-gallon water storage tank, on-site stormwater treatment facilities, and roadway improvements to comply with Fire standards; minimal grading and no tree removal is required. The project is appealable to the California Coastal Commission. Application deemed complete March 9, 2020. Please direct any questions to Project Planner Summer Burlison 650/363-1815 or

sburlison@smcgov.org.

SPEAKERS:

1. Anese Bishara and Edward Wilkinson, applicants
2. Camas Steinmetz, Legal Counsel for the applicant

COMMISSION ACTION:

Commissioner Hansson moved and Commissioner Santacruz seconded to close the public comment. **Motion carried 5-0-0-0.**

Commissioner Ketcham moved and Commissioner Ramirez seconded the motion. **Motion carried 4-1-0-0.**

4= AYES (votes for YES)

1= NOES (votes NO by Commissioner Santacruz)

0= ABSTAINS

0= ABSENT

Based on information provided by staff and evidence presented at the hearing the Planning Commission approved the Coastal Development Permit and Planned Agricultural District Permit, County File Number PLN 2018-00330, by making the required findings and adopting the conditions of approval as follows:

FINDINGS

For the Environmental Review, Found:

1. That only minor modifications to the Mitigated Negative Declaration adopted November 15, 2019 are required, and are provided in the Addendum included in the May 13, 2020 Planning Commission staff report, and that the minor modifications do not constitute substantial changes requiring major revisions to the previously adopted Mitigated Negative Declaration, and no new mitigation measures are required.
2. That the San Mateo County Planning Commission has considered the Addendum included in the May 13, 2020 staff report, along with the previously adopted Mitigated Negative Declaration, and determined no new significant environmental effects or substantial increase in the severity of environmental effects will occur and therefore that further environmental review is not required, pursuant to Section 15162 of the CEQA Guidelines.

For the Coastal Development Permit, Found:

3. 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 to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP), specifically with regard to the Agricultural, Sensitive Habitats, and Visual Resources Components of the Local Coastal Program.

4. That the project is not subject to the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) since the project is not located between the nearest public road and the sea, or the shoreline of Pescadero Marsh.
5. That the project conforms to specific findings required by policies of the San Mateo County LCP with regard to Agricultural, Sensitive Habitats, and Visual Resources Components. Specifically, the project involves legalizing two non-soil dependent greenhouses and authorizing supportive infrastructure improvements to support agricultural use of the property. The project includes converting prime agricultural land for the non-soil dependent greenhouses, which is conditionally allowed on the basis that topographic constraints on the parcel limit the location for these structures and the location will not diminish or impair the agricultural productivity or viability of any surrounding lands. Additionally, the project, as proposed and conditioned, will not pose any significant impacts to sensitive habitats or visual resources.

For the Planned Agricultural District Permit, Found:

6. That the project meets the *General Criteria* for issuance of a PAD Permit, including that (a) the encroachment of all development upon land which is suitable for agricultural uses is minimized, (b) all development permitted on the site is clustered, and (c) the project conforms to the applicable Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code, including Section 6324.1 (*Environmental Quality Criteria*), Section 6324.2 (*Site Design Criteria*), Section 6325.2 (*Primary Fish and Wildlife Habitat Areas Criteria*), and Section 6325.3 (*Primary Agricultural Resources Area Criteria*). Specifically, the project is located in the valley area of the property designed prime agricultural land, clustered with other agricultural development, as it cannot reasonably be located on the surrounding steeply sloped hillsides of the property designed "other lands". Additionally, the project proposes minimal grading, including 135 cubic yards of cut to accommodate a required fire turnout area along Frenchman's Creek Road and 80 cubic yards for the construction of on-site stormwater treatment facilities (i.e., bioretention area); no tree removal is required. The project, as proposed and conditioned, will avoid any impacts to sensitive areas, including wildlife habitat or riparian vegetation.
7. That the project meets the *Water Supply Criteria* for ensuring adequate and sufficient water supplies necessary for agricultural production and sensitive habitat protection in the watershed are not diminished. The project will utilize surface water withdrawn from Frenchman's Creek, as permitted by their historic State Water Resources Control Board licenses for diversion and Lake and Streambed Alteration Agreement (California Department of Fish and Wildlife). Water calculations show that the total annual diversion for agricultural operations on the property, including the subject project, is not expected to exceed 4.0 acre-feet in most years, well below the allowable 10.66 acre-feet authorized under the existing state licenses.
8. That the project meets the *Criteria for the Conversion of Prime Agricultural Lands*, including that (a) no alternative site exists on the parcel for the use, (b) clearly defined buffer areas are provided between agricultural and non-agricultural uses, (c) the productivity of any adjacent agricultural land will not be diminished, and (d) public services and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality. Specifically, topographic constraints on the parcel limit development to areas of the parcel designated

prime agricultural lands and the project proposes to further facilitate and support agricultural use of the property. As the property will continue to be used for commercial agricultural operations, there are no non-agricultural uses on the property. The project area is bordered by hills on both sides that are categorized as "other lands" due to their topography, thus the project will not diminish the agricultural productivity of adjacent lands or parcels; and facility improvements, including a new water storage tank, stormwater treatment facilities, and roadway improvements along Frenchman's Creek Road, will support continued agricultural operations on the property in an efficient and safe manner.

CONDITIONS OF APPROVAL

Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on May 13, 2020. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of, and in substantial conformance with, this approval.
2. These permits shall be valid for one (1) year from the date of final approval in which time a valid building permit shall be issued and a completed inspection (to the satisfaction of the Building Inspection Section) shall have occurred within 180 days of its issuance. Any extension of these permits shall require submittal of a written request for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. Prior to the issuance of building permits for the greenhouses, the applicant shall pay all applicable Affordable Housing Impact Fees, pursuant to San Mateo County Ordinance No. 4758. The impact fees shall be assessed at \$5.00 per sq. ft. over 3,500 sq. ft. of net new gross floor area.
4. The water tank shall have an exterior finish that is non-reflective. Verification by the Current Planning Section that the exterior finish of the water tank is non-reflective shall occur prior the final building inspection.
5. The following Biological Best Management Practices (BMPs), outlined by Sol Ecology, shall be implemented for the roadway improvement work:
 - a. All roadway improvement work shall be performed during the dry season and no work should occur within 30 minutes of sunrise or sunset, or during the night.
 - b. BMPs should be utilized when construction related activities occur near wetlands and streams. BMPs should consist of tightly woven fiber netting or similar material for erosion control or other purposes to ensure amphibian and reptile species do not get trapped. Plastic mono-filament netting (erosion control matting), rolled erosion control products, or similar material shall not be used.
 - c. The contractor shall provide materials submittals to the Project Engineer and Project Biologist for wildlife exclusion fencing and any proposed landscaping or erosion control materials (including hydroseed, hydromulch, etc.) for review and approval at least five (5) business days prior to commencing roadway improvement construction activity.

- d. The contractor shall contact the Project Biologist to schedule a pre-construction biological survey of the construction site, to be performed within 48 hours of commencement of construction. The Biological monitor will perform a pre-construction survey to verify installation of wildlife exclusion fencing and for special-status species or their habitat. If special-status species or their habitat occur within the project site (including staging and access routes) the biological monitor will take the necessary steps to avoid impacts to these species and their habitat and notify public agencies with jurisdiction regarding the discovery of said species and proposed response. The contractor shall not proceed with commencing work until mitigation measures have been approved and implemented.
6. **Mitigation Measure 3:** If any buildings that may provide habitat for any species of bat will be significantly altered, modified, or if activities could result in a disturbance to roosting bats, a bat roost survey shall be performed during the appropriate roosting period (April 1 to September 15) prior to any modification, and if bats are present, California Department of Fish and Wildlife shall be consulted before any change in use or modification of the building occurs.
 7. As part of the building permit plans submittal, the applicant shall include a plan that, at a minimum, includes the Bay Area Air Quality Management District's Construction BMPs for minimizing air emissions. These measures shall be implemented prior to beginning any ground disturbance and shall be maintained for the duration of the project activities:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access road) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent paved roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - e. Idling times shall be minimized either by shutting equipment or vehicles off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - g. Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

8. The applicant shall submit an erosion control plan in compliance with the County's General Erosion and Sediment Control Plan Guidelines Checklist for review and approval as part of the building permit plans submittal.
9. As part of the building permit plans submittal, the applicant shall include a plan that adheres to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines", including, but not limited to, the following which shall be implemented prior to beginning any ground disturbance and shall be maintained for the duration of the project activities:
 - 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 construction access routes and stabilization of designated access points.
 - j. Avoiding tracking dirt or other materials off-site.
 - k. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
 - l. 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.
 - m. 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.

10. Prior to the issuance of a building permit, the applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Planning and Building Department's Civil Section.
11. The 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: <http://www.flowstobay.org/newdevelopment>.
12. 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 and/or hydromodification management measures according 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.
13. 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 and any hydromodification management controls. A statement to that effect shall be made a part of the Maintenance Agreement recorded for the property.
14. The property owner shall be required to pay for all County inspections of installed stormwater treatment systems as required by the Regional Water Control Board or the County.
15. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 5 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo County Ordinance Code Section 4.88.360).

Building Inspection Section

16. Each structure approved under these CDP and PAD permits shall require a building permit and shall comply with all applicable building codes and regulations.
17. A valid building permit shall be obtained prior to the commencement of any work.

San Mateo County Fire Department

18. Fire Department access shall be to within 150 feet of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be a minimum of 20 feet wide, 2-inch asphalt over 95 percent compaction, all weather capability, and able to support a fire apparatus weighing 75,000 pounds. Where a fire hydrant is located in the access, a minimum of 26 feet is required for a minimum of 20 feet on each side of the hydrant. This access shall be provided from a

publicly maintained road to the property. Grades over 15 percent shall be paved and no grade shall be over 20 percent.

19. All buildings that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel from the street.
20. Portable fire extinguishers with a minimum rating of 2A-10BC are required to be placed throughout your project. Contact a licensed/certified fire extinguisher company for proper placement of the required extinguishers. Documentation is required on building plans at the building permit application stage. Proper installation is required prior to Fire's final approval of building permits.
21. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures, or to the property line, if the property line is less than 30 feet from any structure.
22. Six (6) Wet Draft Hydrants with a 2-1/2 inch National Hose Thread outlet with a valve shall be mounted 30 to 36 inches above ground level and within 5 feet of the main access road or driveway, and not less than 50 feet from any portion of any building nor more than 150 feet from the main residence or building.
23. Because of limited access into your property, the authority having jurisdiction is requiring the installation of a Knox Box, Knox Key Switch, or Knox Padlock to allow rapid response of emergency vehicles onto your property in case of a fire or medical emergency. For an application or further information please contact the Coastside Fire Marshal's Office at 650/726-5213.
24. The water storage tank shall be so located as to provide gravity flow to a standpipe/hydrant. Plans and specifications shall be submitted to the San Mateo County Building Department for review and approval by the authority having jurisdiction.
25. A Site Plan showing all required components of the water system is required to be submitted with the building plans to the San Mateo County Building Department for review and approval by the authority having jurisdiction for verification and approval. Plans shall show the location, elevation and size of required water storage tank, the associated piping layout from the tank to the structures, the size of and type of pipe, the depth of cover for the pipe, technical data sheets for all pipe/joints/valves/valve indicators, thrust block calculations/joint restraint, the location of the standpipe/hydrant and the location of any required pumps and their size and specifications.

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3. Correspondence and Other Matters

Director Steve Monowitz referred to the letter regarding the Cypress Point project.

4. Consideration of Study Session for Next Meeting

No Study Session is proposed for the next meeting and went over the 3 items currently on the 5/27 agenda.

5. Director's Report

Director Steve Monowitz informed the Commissioners of the items below:

- Planning Commission's decision on two projects had been appealed to the Board of Supervisors and will be heard on 5/19/2020.
- Connect the Coastside virtual community meetings, more information listed on the website
- Connect the Coastside long term improvements were presented regarding the Cypress Point project, this has held up the item since another meeting with Public Works before this was move forward. This item is now scheduled to be heard on the June 10th, Planning Commission meeting.
- Planning and Building office, Health Officer has lifted certain areas for the SIP and this has impacted the workload of the department of folks that can now move forward on their projects. The Planning and Building department has mostly been working remotely with the exceptions to a few Building staff who have to stamp plans and make arrangements for the public to pick up the plans in a safe way.
- Planning and Building can provide the services electronically and those who cannot connect electronically have been able to call an employee who can walk them through the process. The Counter will remain closed but the plan as of now is to have rotating shifts in the near future.

6. Commissioner Updates and Questions

Commissioner Ramirez: Are virtual inspections still happening or will that change?

Steve Monowitz: Yes, for inspections that cannot be done virtually (example some tree inspections), then the arborist will go out to the site and follow very stringent safety guidelines.

Commissioner Gupta: Cypress Point clarification, wants to know how we are moving forward?

Steve Monowitz: At the last hearing the Commissioner decided to continue the item and has not been scheduled for June 10th. What has held the project back and the reason we have continued to push the item back is because we are working on project specific mitigations/transportation mitigations regarding the LCP amendment stage. Staff has really been trying to pin down the project specific mitigation measure and wanted to make sure both Public Works and the Applicant is on board with all the details.

Commissioner Ramirez: Do you foresee that we will be having the Cypress Point via videoconference? He stated that we wanted people to feel like they can participate and not feel like they were not included.

Steve Monowitz: Yes, he agrees and everyone will be notified and we will have an extensive mailings so all are included.

7. Adjournment

Meeting was adjourned at 10:36 a.m.
