



Planning & Building Department Planning Commission

Kumkum Gupta, 1st District
Frederick Hansson, 2nd District
Zoe Kersteen-Tucker, 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

DRAFT

MEETING NO. 1639

Wednesday September 27, 2017

In the Board of Supervisors Chambers, Hall of Justice and Records, located at 400 County Center, Redwood City.

Chair Ramirez called the meeting to order at 9:01 a.m.

Pledge of Allegiance: The Pledge of Allegiance was led by Chair Ramirez.

Roll Call:

Commissioners Present:	Gupta, Hansson, Ramirez, Santacruz
Commissioners Absent:	Kersteen-Tucker
Staff Present:	Monowitz, Fox, Shu
Staff Absent:	None

Legal Notice published in the San Mateo County Times on September 16, 2017 and the Half Moon Bay Review on September 20, 2017.

Oral Communications to allow the public to address the Commission on any matter not on the agenda.

None

Consideration of the Minutes of the Planning Commission meeting of August 23, 2017. Commissioner Gupta moved, and Commissioner Hansson seconded, that the minutes be approved as submitted. Motion carried 4-0-0-1 (Commissioner Kersteen-Tucker, absent).

Consideration of the Minutes of the Planning Commission meeting of September 13, 2017. Commissioner Gupta moved, and Commissioner Hansson seconded, that the minutes be approved as submitted. Motion carried 4-0-0-1 (Commissioner Kersteen-Tucker, absent).

REGULAR AGENDA

9:00 a.m.

- | | |
|------------------------|-----------------------------------|
| Owner: | A&G LLC |
| Applicant: | Hamif Rafiei, A&G, LLC |
| File No.: | PLN2015-00297 |
| Location: | 8150 Cabrillo Highway, Montara |
| Assessor's Parcel No.: | 036-046-050 |

Consideration of a Use Permit Amendment and Design Review Permit to 1) legalize and allow the use of the 1,276 sq. ft. lower patio; 2) install public access improvements to comply with the Coastal Commission's Consent Cease and Desist Order (CCC-17-CD-01)(Consent Order), 3) install path lighting in the parking lots; and 4) construct a new roofing outdoor work/trash area to comply with Montara Water and Sanitary District requirements, at a 189-seat restaurant located at 8150 Cabrillo Highway in the unincorporated Montara area of San Mateo County. The upper patio will be removed and replaced with public access improvements per the Consent Order. The Coastal Development Permit for this project will be reviewed separately under the jurisdiction of the California Coastal Commission. Application deemed complete August 22, 2017. Contact Project Planner Camille Leung at 650-363-1826 or cleung@smcgov.org.

SPEAKERS:

1. Mark Massara , Applicant
2. Julie Mell
3. Elizabeth McLead
4. Lennie Roberts, Committee for Green Foothills
5. Eric Canapp

COMMISSION ACTION

Commissioner Hansson moved and Gupta seconded to close the public hearing. **Motion carried 4-0-0-1** (Commissioner Kersteen-Tucker, absent).

Commissioner Santacruz moved to approve the project. Commissioner Gupta seconded the motion. **Motion carried 4-0-0-1** (Commissioner Kersteen-Tucker, absent).

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved a Use Permit Amendment and a Design Review Permit, to legalize and allow the use of the lower patio; allow installation of public access improvements to comply with the Coastal Commission's Consent Order, including a new trail, landscaping, and lighting; and allow construction of new roofing over the outdoor work/trash area, County File Number PLN 2015-00297, by making the required findings and adopting the conditions of approval as follows:

FINDINGS:

Regarding the Environmental Review, Found:

1. That the project qualifies for a Categorical Exemption under Class 1 of the California Environmental Quality Act Guidelines, related to minor modification of an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Regarding the Use Permit Amendment, Found:

2. That the establishment, maintenance, and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. Patio construction did not require significant alteration of topography or impact to surrounding neighborhood, beach, or ocean environments. Use of the lower patio would not intensify the restaurant use and associated parking impacts. The patio is not visible from Cabrillo Highway. The patio is visible from the beach. As proposed and conditioned, patio

lighting would be the minimum necessary for nighttime dining and would not result in significant light pollution or light spillover. The proposal benefits San Mateo County by providing a unique experience for visitors and residents to observe the beauty of the County coastline while dining outdoors.

Regarding the Design Review Permit, Found:

3. That the project, as proposed and conditioned, is found to be in compliance with the standards for review listed in Section 6565.17 (*Design Review Standards for Other Areas*) of the Design Review (DR) Zoning District Regulations and the design criteria of the Community Design Manual (CDM). Proposed windbreaks and tiling comply with applicable design review standards and CDM design criteria, including requirements pertaining to open space preservation and color and materials compatible to the surrounding environment. Condition No. 3 requires windbreaks to be painted to match the building. The proposed patio will be visible from public lands (Montara State Beach) and a public water body (Pacific Ocean). The patio is attached to the restaurant building, blending in with the existing building in both color and materials. The patio is located on the west elevation of the structure behind the existing restaurant and, as such, does not add any mass to the structure as viewed from Highway 1. The clear plexi-glass windscreens allow for wind blocking without the appearance of bulk or massing in views of the restaurant from the beach. The applicant proposes wood shingles over the new roofing to match the existing building. The proposed light bollards are not consistent with the design of the building or the surrounding environment. Condition No. 11 requires the owner to use light bollards which utilize a natural or natural-appearing material as a post and a non-reflective light shield, subject to review and approval by the Community Development Director.

CONDITIONS OF APPROVAL

Current Planning Section

Terms of this Permit:

1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Planning Commission on September 27, 2017. The Community Development Director may approve minor revisions or modifications to the project, if they are consistent with the intent of and in substantial conformance with this approval. Any change in use or intensity shall require an amendment to the County-issued use permit and California Coastal Commission (CCC) issued Coastal Development Permit.
2. The use permit shall be valid for a period of five (5) years. Administrative Reviews shall be conducted annually from the approval date.
3. This permit is subject to the issuance of a Coastal Development Permit (CDP) Amendment from the CCC and is, therefore, subject to the terms of the CDP Amendment. The applicant cannot act in reliance upon this Use Permit Amendment until the CDP Amendment is granted by the Coastal Commission.

Within 120 days after a CDP Amendment has been granted by the CCC, the property owner shall obtain a final County building permit(s) for improvements authorized by this permit and drainage improvements associated with the implementation of Condition No. 10.

Additional time to achieve compliance with this condition may be granted by the Community Development Director upon demonstration of the applicant's diligent pursuit of building permit final approval.

At the time of the Current Planning Section's final approval of the building permit(s) for this project, the property owner shall demonstrate that:

- a. On-site parking complies with Condition No. 7 and with the parking requirements of the Americans with Disabilities Act (ADA) (including providing a minimum of three (3) regular accessible parking spaces and one (1) van accessible space).
- b. Removal of flood lights illuminating parking lots.
- c. New roof shall be finished to match the existing structure.
- d. Painting of trash storage area door(s) to match the structure. All exterior paint colors used shall be subject to review and approval by the Community Development Director, prior to application on the structure(s).
- e. Completion of all improvements required by the conditions of this permit.

Modified Original Use Permit Conditions:

Changes to the original permit conditions are shown in strikeout and underline format.

4. Original Condition No. 1: Any ~~additional~~ work on shoreline protection ~~shall be approved in accordance with Geotechnical Consultant Approval form (County Geologist)~~ requires Coastal Development Permit approval by the California Coastal Commission and authorization from State Parks.
5. Original Condition No. 3: The property owner of the restaurant site shall maintain public access to the walkway on the west side of the restaurant connecting north and south parking lots. The entire walkway, with the exception of the ramp, shall be located a safe distance from the cliff so that handrails will not be necessary. This design shall be to the satisfaction of the Planning Director.
6. Original Condition No. 7: Construct and maintain all improvements in accordance with approved plans. Once confirmed, any unpermitted work, changes in the intensity of the use (e.g., hours of operation, number of seats), or other types of violations will be referred to the Planning and Building Department's Code Compliance Section and to the California Coastal Commission. Any and all violations of this permit shall be subject to all applicable penalties including, but not limited to, those established in Ordinance Code Chapter 1.40 (Administrative Remedies).
7. Original Condition No. 8: The owner of the restaurant site shall ~~M~~maintain 53 parking spaces.
8. Original Condition No. 9: Maintain free public access through the parcel to the beach.

9. Original Condition No. 10: Hours of operation of restaurant/bar shall be limited to that period between 5:00 p.m. and normal closing time.

Other Current Planning Section Conditions:

10. Trash storage areas: The owner shall perform modifications so that spills, any stormwater, and wash water flow only to drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards and review and approval by the Department of Public Works. The owner shall obtain a building permit for drainage improvements and complete the work in compliance with Condition No. 3. All outdoor washing activities are prohibited, except in areas which drain directly to the sanitary sewer. Wash water is prohibited from entering parking or vegetation/landscaping areas.
11. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed, shielded, and downward directed so as to confine direct rays to the parcel where the lighting is located. Exterior lighting fixtures shall not be reflective. All exterior lighting shall employ warm colors where cool tones are prohibited. The owner shall use light bollards which utilize a natural or natural-appearing material as a post and a non-reflective light shield, subject to review and approval by the Community Development Director. Any modification of approved lighting is subject to Coastal Development Permit and Design Review Permit requirements, prior to implementation. The use of lantern lights is prohibited. The property owner shall use the minimum amount of lighting necessary for outdoor nighttime dining, such as individual table lights, as determined by the Community Development Director.
12. The owner shall assign staff to monitor the use of the State Parks property, prohibiting use of the site by restaurant patrons and employees, assuring that the State Parks property shall be used exclusively for public parking purposes and not by patrons or employees of the restaurant. The owner shall collect license plate numbers of all full- and part-time employees and shall encourage alternate means of transportation to the restaurant (e.g., carpools, bus, bike).
13. Tarps and storage of items in the trash enclosure which extend above the screening wall at the property are prohibited.
14. The property owner shall coordinate with State Parks and the California Coastal Commission to prepare a plan for how to permit the rip-rap and to perform necessary repairs. The applicant shall submit the plan to the Community Development Director within one (1) year of the project final approval date of this Use Permit Amendment.

National Pollutant Discharge Elimination System (NPDES) Stormwater Pollution Prevention Source Control Conditions (Restaurant operations must comply with these conditions at all times, and demonstration of compliance is required prior to building permit finalization):

15. Discharges from indoor/outdoor mat, equipment, and hood filter wash racks or covered outdoor wash racks for restaurants shall be plumbed to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
16. Outdoor patio floor drains shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards. All wash water from the outdoor patio shall be directed to the sanitary sewer system. Wash water is prohibited from concrete pathway and vegetation/landscaping areas.

17. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Ocean," or equivalent, using thermoplastic material or a plaque, meeting the requirements of the Department of Public Works.
18. Restaurants shall have a sink or other cleaning area large enough to clean the largest mat or piece of equipment. The cleaning area shall be indoors or in a roofed area outdoors, connected to a grease separator prior to discharging to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards.

Coastside Fire Protection District

19. Building Classification: Please indicate on the plans the following information:
Occupant Load Calculations with an exit analysis
20. A 5-year certificate must be obtained before final.
21. Emergency Building Access: The proposed project will require the installation of "Knox Boxes." These emergency key boxes are required when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes. The Fire Chief will determine the location for the key box and provide an authorized order form. All security gate systems controlling vehicular access shall be equipped with a "Knox," key operated emergency entry device. The applicant shall contact the Fire Prevention Bureau for specifications and approvals prior to installation.
22. Exit Doors: Exit doors shall be of the pivoted type or side hinged swinging type. Exit doors shall swing in the direction of exit when serving an occupant load of 50 persons or more.
Special Doors: Revolving, sliding, and overhead doors shall not be used as required exits. Power operated doors complying with California Building Code (CBC) Standard No. 10-1 may be used for exit purposes.
Additional Doors: When additional doors are provided for egress purposes, they shall conform to all the provisions of CBC Chapter 10.
23. Exit Illumination: Illumination: Signs shall be internally or externally illuminated by two electric lamps or shall be of an approved self-luminous type.
Power Supply: Current supply to one of the lamps for exit signs shall be provided by the premises wiring system. Power to the other lamp shall be from storage of batteries or an on-site generator set. Include exit illumination with electrical plans and submit to the San Mateo County Building Inspection Section or City of Half Moon Bay for review and approval.
24. Exit Signage: Where required: When more exits from a story are required by Section 1003 of the CBC, exit signs shall be installed at stair enclosures, horizontal exits, and other required exits from the story. When two or more exits are required from a room or area, exit signs shall be installed at the required exits from the room or area and where otherwise necessary to clearly indicate the direction of egress. Exception: Main exit doors, which obviously are clearly identifiable as exits (glass door). Show exit plans on plans submitted to the San Mateo County Building Inspection Section or City of Half Moon Bay for review and approval.

When exit signs are required by Section 1013.1 of the CBC, additional approved low-level exit signs, which are internally or externally illuminated, photo luminescent or self-luminous, shall be provided in all interior rated exit corridors serving guest rooms of hotels in Group R, Division 1 Occupancies, and other occupancies as determined by the code.

25. Occupancy Load Sign: Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for classroom, assembly, or similar purpose, shall have the capacity of the room posted in a conspicuous place.
26. Fire Alarm System: This project is required to have installed an approved NFPA 72 Fire Alarm System throughout. The system is to monitor any flow through the required automatic fire sprinkler system, any fire sprinkler valve tamper switch, and all heat and smoke detectors. The system will also include an exterior bell and interior horn/strobes, which are required to be wired to the alarm system and the flow switch for the fire sprinkler system. The Fire Alarm Control Panel (FACP) shall be protected with a smoke detector, as per NFPA 72, Section 1-5.6, and a manual pull station. A wiring inspection is required to be conducted by the Fire District prior to covering walls and ceiling areas. All systems and components must be tested per manufacturer's specifications and NFPA 72. Battery backup shall meet or exceed requirements for amp-hour rating and must be tested as per manufacturer's specifications and NFPA 72.
27. Fire Extinguishers: There must be at least one 2A-10BC fire extinguisher for each 3,000 sq. ft., travel distance not to exceed 75 feet with at least one extinguisher per floor per Title 19, California Code of Regulations.
28. Contact the San Mateo County Fire Marshal to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Please allow for a minimum of 72-hour notice to the Fire Department at 650/573-3846.

Department of Public Works

29. The applicant 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.
30. Prior to the issuance of the building permit, the applicant 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.
31. 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 Department of Public Works, including completion of a C.3, C.6 checklist. All proposed stormwater facilities including pervious pavement shall be approved by a professional geotechnical engineer.

Environmental Health Division

- 32. The applicant shall address the legality of the restroom located adjacent to the outside dumpster area. If found to be unpermitted, the applicant shall include the restroom in the building permit application for the project.
- 33. At the building application stage, the applicant shall submit plans to install a ventilation hood for the new oven. Subject plans for the ventilation hood shall be approved by the Environmental Health Division.

California Department of Alcoholic Beverage Control (California ABC)

34. The property owner shall not serve alcohol in any outdoor areas of the subject property, including the lower patio, until California ABC’s licensing requirements are met. Evidence of an active license shall be provided to the Current Planning Section prior to final of the building permit for the project.

2.	Owner/Applicant:	County of San Mateo Planning and Building Department Subdivision Regulations Update
	File No.:	PLN 2016-00214

Consideration of a comprehensive update to the County’s Subdivision Regulations (first public review draft). The Planning Commission will receive a briefing on the proposed amendments prior to formal consideration of the amendments at a future meeting. Contact Planning Services Manager Joe LaClair at 650-363-1865 or jlaclair@smcgov.org.

SPEAKERS:

- 1. Kerry Burke

COMMISSION ACTION:

Commissioner Hansson moved and Gupta seconded to close the public hearing. **Motion carried 4-0-0-1** (Commissioner Kersteen-Tucker, absent).

The Planning Commission will meet separately with Joe LaClair to go over suggested edits and additional input. This will be brought back to the Planning Commission for action at a later meeting.

3. **Correspondence and Other Matters**

None

4. **Consideration of Study Session for Next Meeting**

Next meeting – one item currently on the agenda and a possible Tunitas Creek Beach after-the-fact for a follow up permit item is currently in the works.

5. **Director’s Report**

Update on the Board of Supervisors meeting: Bragg Subdivision was approved and the mobile home ordinance was adopted.

Update on projects to Long Range and Current Planning Projects, some include:

- El Camino Rezoning
- Plan Princeton
- Pre-Application workshop on the coastside was conducted and will be heard by the Planning Commission in the near future.
- Greywhale Cove Project

6. **Adjournment.**

The meeting was adjourned at 11:42 p.m.