



County of San Mateo

Planning & Building Department

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July 1, 2014

Mr. Chris Gounalakis
185 Verde Rd
Half Moon Bay, CA 94019

Dear Mr. Gounalakis:

Subject: **LETTER OF DECISION**
File Number: PLN2013-00494
Location: 185 Verde Road, Half Moon Bay
APN: 066-310-080

On June 25, 2014, the San Mateo County Planning Commission considered a Planned Agricultural District Permit, pursuant to Section 6353 of the San Mateo County Zoning Regulations, and a Coastal Development Permit, pursuant to Section 6328.4 of the San Mateo County Zoning Regulations, to allow seasonal commercial recreation activities at the Arata Pumpkin Farm located at 185 Verde Road, in the unincorporated Half Moon Bay area of San Mateo County.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the project by adopting the required findings and conditions of approval as identified in Attachment A. The Planned Agricultural District Permit and the Coastal Development Permit were each approved for a term of one year.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m.** on July 10, 2014.

An approval of this project is appealable to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local Decision. Please contact the Coastal Commission's North Central Coast District Office at (415)904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

Please direct any questions regarding this matter to Camille Leung, Senior Planner, at (650)363-1826 or Email: cleung@smcgov.org.

Sincerely,

Heather Hardy
Planning Commission Secretary

cc: Gary Arata
Lennie Roberts

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit File Number: PLN 2013-00494

Hearing Date: June 25, 2014

Prepared By: Camille Leung

Adopted By: Planning Commission

FINDINGS

Regarding the Mitigated Negative Declaration, Found:

1. That on the basis of the 2011 Initial Study/Mitigated Negative Declaration (2011 IS/MND), comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the 2011 IS/MND, will have a significant effect on the environment. Project changes, from the 2011 Initial Study/Mitigated Negative Declaration (2011 IS/MND) to the current proposal, reduce project scope and months of operation for the purpose of establishing agriculture as the primary use of the property and reducing project impacts to prime soils. While parking spaces were eliminated from areas of prime soils, potential parking impacts have increased by the reduction of nine on-site parking spaces. However, increased parking impacts would be offset by reductions in project scope (specifically reduced maze size and elimination of hay rides) and mitigated by adopted mitigation measures that require enforcement of parking restrictions by parking attendants. As the project does not involve any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, the preparation of an additional negative declaration is not required.
2. That the mitigation measures identified in the 2011 IS/MND have been agreed to by the applicant and property owner and placed as conditions on the project. The applicant has signed the mitigation concurrence letter, dated June 2, 2014. As mitigation measures have been incorporated into the conditions of approval for this project, in conformance with California Public Resources Code Section 21081.6, no Mitigation Monitoring and Reporting Plan is necessary.

Regarding the Planned Agricultural District Permit, Found:

3. That the proposed seasonal commercial recreation activities, associated with the traditional celebration of pumpkin season in the unincorporated area of San Mateo County, are consistent with Chapter 21A, Planned Agricultural District, of the County's Zoning Regulations. The project would not result in the permanent conversion of areas of prime soils which have not already been converted. The proposed snack bar, a petting zoo, and pony rides would be located on prime soils, but are clustered with existing development and located in areas that are not farmed due to existing structures and access ways. A smaller portion of the hay maze and parking areas located on prime soils will be dedicated to an agricultural use the remaining nine months of the year. Commercial recreation is a permitted use on lands suitable for Agriculture with the issuance of the requested PAD permit. The project complies with applicable substantive criteria for the issuance of a PAD permit, including the Development Review Criteria contained in Chapter 20A of the San Mateo County Zoning Regulations, as delineated in Section 6355 of the Zoning Regulations. Specifically, the hay maze would utilize hay bales, a natural building material that will blend in with the agricultural setting. Structural elements of the recreational use (store, play set, snack bar) are small and clustered within developed areas of the property. The applicant has moved the pony ride from farmed areas to the developed area and has eliminated the "castle," "arena," train ride and metal gorilla that were located on prime soils in the past.

Regarding the Coastal Development Permit, Found:

4. 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, specifically applicable policies of the Agriculture Component, Sensitive Habitat Component, and the Visual Resources Component, as described below:
 - a. Regarding project compliance with the applicable policies of the Agriculture Component, the proposal clusters development in an area where existing development prevents the use of prime soil for agricultural production; the proposal relocates structures (previously located in undeveloped prime soil areas) to developed areas; reduces the acreage of prime soil used for the hay maze by approximately 35%; the hay maze is a temporary structure and would not deplete the productivity of the soil; areas of proposed temporary parking would be located in areas used in the past for parking; contaminated soil would be removed and the soil amended to restore soil productivity in parking areas on prime soil annually; and commercial recreation uses are permitted on lands suitable for agriculture with the approval of the requested PAD permit.
 - b. Regarding project compliance with applicable policies of the Sensitive Habitat Component, the project would not impact sensitive habitat, as the section of Lobitos Creek adjoining the property does not contain riparian vegetation, per the biologist report prepared by Deborah Peterson, dated September 12, 2011.
 - c. Regarding project compliance with applicable policies of the Visual Resources Component, where LCP Policy 8.31 requires a minimum setback of 100 feet from the right-of-way line, and greater where possible, along a scenic corridor in rural areas, the closest proposed recreational structure, the hay maze, is located approximately 250 feet from Highway 1.

CONDITIONS OF APPROVAL

Note: The language of the mitigation measures of the Initial Study/Mitigated Negative Declaration (IS/MND), certified on September 13, 2011, has been modified in order to further strengthen and clarify the required mitigation.

Current Planning Section

1. This approval applies only to the proposal described in this report and submitted to and approved by the Planning Commission on June 25, 2014. Minor revisions or modifications may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with the approval. Any other changes, modifications or additions shall require an amendment to the permit at a public hearing.
2. The Coastal Development Permit and the Planned Agricultural District Permit shall expire one (1) year from the date of approval and shall be subject to annual administrative reviews in 2014 and 2015, including inspection, and the applicable fee. Annual inspections shall be scheduled by the applicant/property owner with Planning staff and shall be completed prior to September 30 of each year. Renewal/Amendment of the permit shall be subject to review by the Agricultural Advisory Committee and the Planning Commission. Complaints received by the Planning and Building Department shall be considered by the Planning Commission in its review of any renewal or amendment of the permit. At the time of permit renewal, lengthening of the 1-year term shall be considered based on permit compliance.
3. The applicant shall install a durable sign near or on the snack bar, outside of areas used for agricultural production, which provides contact information (name, phone number, and email address) of the applicant's designated representative who shall be responsible for responding to complaints regarding project operation. The sign shall be posted from August 1 to November 1, each year. The sign shall also include contact information to direct complaints to a designated County representative (Ana Santiago, Code Compliance

Section, 650/363-7832, amsantiago@smcgov.org). The complaint would be investigated within four (4) working days of the filing date of the complaint and, if confirmed, a violation case would be opened, written correspondence would be sent to the applicant and the owner, and enforcement would be escalated according to standard procedure, until the violation is corrected to the satisfaction of the Community Development Director. The applicant shall submit the precise wording of the sign for review and approval by the Community Development Director at least two (2) weeks prior to August 1 of each year.

4. The applicant/property owner shall maintain and plant additional native vegetative outside of agricultural production areas to screen all aspects of commercial recreation use (i.e., hay maze, jump houses, etc.) such that structures are minimally visible from Cabrillo Highway, to the extent feasible, in accordance with a planting plan that shall be submitted for review and approval by the Community Development Director at least two (2) weeks prior to August 1, 2014.
5. The property owner is responsible for maintaining the health of intervening vegetation necessary for screening all structures associated with commercial recreation as viewed from the Cabrillo Highway. Per Section 6324.2 of the Zoning Regulations (*Site Design Criteria*), the removal of any mature trees (those over 55" in circumference) would be subject to the issuance of a PAD permit.
6. The petting zoo shall be limited to animals traditionally associated with California coastal agriculture (i.e., sheep, goats, chickens, etc.).
7. Any increase in the number of ponies beyond five (5) ponies will require an application for the keeping of confined animals. The applicant shall comply with the approved manure and stormwater management plan per the San Mateo County Confined Animal Regulations.
8. The applicant shall relocate the pony ride and petting zoo to the approved location within the developed area and remove the "castle," "arena," train ride and metal gorilla. If stored on-site, these features shall be located within developed areas and shall not be visible from Highway 1 and/or located on prime soil. Compliance with this requirement shall be demonstrated to the satisfaction of the Community Development Director prior to the start of project operation.
9. All structures (i.e., haunted barn and sales kiosk) and signage associated with the commercial recreation use are required to maintain the same earth and vegetative tones as the predominant colors of the site, as determined by and to the satisfaction of the Community Development Director.
10. The applicant/property owner shall maintain the gravel-surface parking lot, maze structures, and other development such that pollutants (including trash and sediment) do not enter Lobitos Creek or any right-of-way.
11. Mitigation Measure 6: The applicant/property owner shall strictly adhere to the following hours/days of operation:

July 1 - November 1 (except October)

Monday - Friday: 9:00 a.m. - 6:00 p.m.

Saturday: 9:00 a.m. - 9:00 p.m.

Sunday: 9:00 a.m. - 8:00 p.m.

October

Monday - Friday: 9:00 a.m. - 7:00 p.m.

Saturday: 9:00 a.m. - 11:00 p.m.

Sunday: 9:00 a.m. - 8:00 p.m.

Violation of the hours of operation, as confirmed by Planning staff, may result in the revocation of this permit.

12. Mitigation Measure 7: During the Halloween/Pumpkin Season (September 15 to October 31), the applicant/property owner is permitted to temporarily install up to four (4) directional traffic signs, maximum 2 ft. x 3 ft. each in size, which may be visible from Cabrillo Highway. Such signs shall be installed on-site and not in the public right-of-way and shall be of the same earth and vegetative tones as the predominant colors of the site, as determined by and to the satisfaction of the Community Development Director. All signage shall be removed from the site by November 1. No signage shall be allowed on or along Cabrillo Highway.
13. Mitigation Measures 2 and 4: During the Halloween/Pumpkin Season (September 15 to October 31), the applicant/property owner shall employ at least three (3) parking attendants to assist in the facilitation of pedestrian and vehicular movement along Cabrillo Highway and Verde Road, and entering and exiting the site. The applicant/property owner shall be responsible to ensure that no parking or standing occurs on or along Cabrillo Highway or Verde Road.
14. The applicant/property owner is encouraged to explore off-site parking opportunities (i.e., a formal off-site parking agreement with property owner(s) in the area), to ease parking challenges at the site. Off-site parking shall comply with permitting requirements of the PAD and CD zoning districts.
15. At the end of the Halloween/Pumpkin Season on November 1, operation of all activities will cease immediately and, within 30 days, the applicant/property owner shall deconstruct the hay maze. Hay that is stacked for future use shall be clustered and located outside of prime soil areas and within areas minimally visible from Highway 1.
16. The applicant/property owner must commit areas of the property to active agricultural production, according to the timeframes in the table below:

Crop Production by Zone, as Shown on Map						
	A	B	C	D	E	F
November	Fallow/Cover Crop					
December						
January						
February						
March						
April	Rye Grass	Peas*	Fava Beans	Corn Pumpkins*	Pumpkins	Seedlings/ Starter Plants
May		Stone Pines*				
June						
July						
August						None (Parking)
September	Harvest/Sales					None (Parking)
October						
*Entire zone planted, excluding areas of the hay maze for the month of August. Note: Crop type may change, as long as an active agricultural use is maintained.						

17. The applicant/property owner shall manage trash and debris by providing covered containers placed in locations throughout publicly accessible areas of the property. Trash shall be removed in a timely manner such that there is no trash overflow.
18. The use of flashing lights on the property is prohibited.
19. A building permit shall be obtained from the Building Inspection Section prior to any construction on the property, and all construction shall be in accordance with approved plans. No hay bale structure shall exceed 6 feet in height from grade.

20. The applicant shall apply for and obtain a farm-stand license from the Environmental Health Division for and prior to the operation of the store and sales kiosk. Copies of permits shall be submitted to the Current Planning Section. Depending on the extent of both food services and water use offered by Arata Farms during the recreation season, Arata Farms must remain in compliance with all directives of the San Mateo County Environmental Health and the California Department of Public Health - Drinking Water Division.
21. Additional demand on the existing septic system or the existing well to serve the commercial recreation use is subject to Environmental Health Division review and permitting.
22. The applicant/property owner shall apply for and obtain any required permits from Cal-Fire. Copies of permits shall be submitted to the Current Planning Section.
23. Off-premises commercial signs, brightly colored or illuminated, rotating, reflective, blinking, flashing or moving signs, and pennants or streamers are prohibited, per Local Coastal Program Policy 8.21 (*Commercial Signs*). Directional signs shall be simple, easy to read and harmonize with surrounding elements.
24. The property owner shall remove gravel and restore the quality of the soil in all parking areas on prime soil, as necessary to maintain the existing agricultural productivity of these soils, immediately upon the conclusion of each annual event (i.e., during the month of November). Specific remediation actions shall be determined in consultation with an agricultural specialist familiar with County lands, submitted for the review and approval of the Community Development Director by November 7 of each year, and completed no later than November 30. The property owner shall farm the land within areas of prime soil during non-recreational months (container farming is not allowed in this area).
25. Mitigation Measure 1: The applicant/property owner shall utilize no more than 1.79 acres of the total undeveloped area of land for recreational activities. This permit does not allow any intensification or expansion of use beyond the scope of the approved project. All structures associated with the recreational use of the property (other than the barns and single-family dwelling) shall be removed, and the land made available for agricultural purposes, by November 7 of each year.
26. Mitigation Measure 3: The applicant/property owner shall maintain the 135 on-site parking spaces. All spaces shall be clearly marked with chalk prior to September 15; the applicant shall submit to the Planning Department for review and approval a parking management plan that includes placement of attendants and vehicular movement within the site. At no time shall vehicles be allowed to park along Cabrillo Highway or along areas of Verde Road where parking is prohibited.
27. Mitigation Measure 5: The applicant/property owner shall be responsible for ensuring that all visitors have left the premises within 30 minutes of the site activities' closing time.
28. Per LCP Policy 11.15(c)(2) (*Private Recreation and Visitor-Serving Facilities*), the property owner/applicant shall execute and record a deed restriction over the entire parcel and shall specify that: "Conversion of any portion of the commercial recreation facilities to a non-public, private, or member only use, or the implementation of any program to allow extended or exclusive use or occupancy of such facilities by an individual or limited group or segment of the public, shall require an amendment to the applicable permits." The applicant shall demonstrate compliance with this condition at least two (2) weeks prior to August 1, 2014.
29. The one bounce house shall be operated in compliance with the standards of the "Safe Inflatable Operators Training Organization" and/or other comparable best management practices for the safe operation of the bounce house.
30. The applicant shall comply with the Williamson Act contract, as amended by the Board of Supervisors on September 25, 2012. The contract allows for limited seasonal recreation uses, as listed in the contract. It should be noted that the contract does not permit the on-site sale of non-pre-packaged food (e.g., food prepared on-site or within a mobile food truck on-site).

31. During the recreation season, the applicant shall prevent public access to riparian areas within 20 feet of the top of the creek bank, by using self-anchored signs and other measures that minimize land disturbance.

Department of Public Works

32. All owners, employees, visitors and individuals otherwise associated with the property shall park on-site, or within the length of Verde Road approved by Cal-Fire and the Department of Public Works staff shown in Attachment K of the staff report. Parking along Verde Road shall accommodate a maximum of 58 parking spaces and maintain a minimum 20-foot wide paved road clearance. Applicant must discontinue use of on-street parking until Department of Public Works (DPW) requirements, including those listed below, have been met; otherwise, any on-street parking authorized by this permit will be void.

Prior to commencing any commercial recreation activities on the site, the applicant/property owner shall be required to: (1) submit a parking plan and traffic control plan to the County DPW and (2) install on standard poles with temporary CA Manual On Uniform Traffic Control Devices (MUTCD) M26F "No Parking - Fire Lane" signs at 300-foot intervals along Verde Road, with the exception of the portion of road described above, subject to the approval of the DPW via an encroachment permit. The signage plan shall describe the location, type, color, size, and mounting of proposed signage to be located along Verde Road. The applicant/property owner is responsible for the cost of all improvements and long-term maintenance of improvements. Violation of parking restrictions, as confirmed by County staff, may result in the revocation of this permit. Temporary signs shall be removed by November 7.

The applicant/property owner shall monitor all parking associated with this project within the Verde Road right-of-way. The applicant/property owner shall coordinate with Cal-Fire and the DPW to mark sections of Verde Road along which parking is allowed, as well as the individual 58 parking spaces to promote efficient parking. As required by Condition No. 32, the applicant shall contact the County Sheriff's Office immediately if there are violations of the "No Parking" zones. Furthermore, as required by Condition No. 32, the applicant shall hire security guards and after-hour police/sheriff's officers to ensure that the "No Parking" zones are adequately enforced.

33. Prior to the start of operation, the applicant/property owner shall restrict parking on Verde Road by complying with the following requirements, subject to the approval of the Department of Public Works (non-compliance with this condition may result in the revocation of this permit):
 - a. Prior to the start of operation each year, the applicant shall obtain a Special Events Road Closure/Encroachment Permit for Verde Road from the Department of Public Works and comply with all applicable requirements of the permit. The applicant shall submit a plan, subject to the DPW review and approval, to restrict parking within the closed off section of Verde Road and ensure adequate pedestrian safety along Verde Road (no pedestrians are allowed on Cabrillo Highway). Issuance of the permit requires proof of authorization by the California Highway Patrol (CHP), the County Sheriff's Office, and Cal-Fire. The applicant shall pay the applicable fee to the Sheriff's Office for the adequate enforcement of the parking plan (hourly or bihourly passing checks and ticketing as necessary). For all weekends of the month of October, the applicant shall utilize a minimum of six (6) parking attendants to ensure adequate levels of enforcement. The Road Closure Permit will allow local traffic, parking of patrons along designated areas of Verde Road, and access by emergency vehicles. The applicant shall maintain a minimum road clearance of 20 feet for emergency vehicles at all times.
 - b. At no time should street parking block driveways to properties or impede vehicles turning along Verde Road (i.e., at Lobitos Creek Cutoff). The applicant shall coordinate with a fire service representative to mark the limits of parking along Verde Road prior to October 1 of each year or commencement of venue operations, whichever is later.