

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

DATE: September 1, 2016

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Planned Agricultural District Permit renewal, pursuant to Section 6353 of the San Mateo County Zoning Regulations, to allow the continued use of one mobile home for Farm Labor Housing located at 2550 Pescadero Creek Road in the unincorporated Pescadero area of San Mateo County.

County File Number: PLN 1999-00045 (John Muzzi)

PROPOSAL

The applicant requests renewal of the Planned Agricultural District (PAD) Permit to allow the continued use of one mobile home to be used as Farm Labor Housing (FLH) to house two farm workers. Since the renewal permit includes no new development or intensification of use, a Coastal Development Permit is not required.

RECOMMENDATION

That the Zoning Hearing Officer approve the PAD Permit renewal, County File Number PLN 1999-00045, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND AND STATUS OF FARM LABOR FACILITIES AND ELIGIBILITY

Report Prepared By: Rob Bartoli, Project Planner, Telephone 650/363-1857

Owner: Bernard Burns

Applicant: John Muzzi

Location: 2550 Pescadero Creek Road, Pescadero

APN: 087-042-090

Zoning	PAD
Parcel Size	5 Acres
Permit's Last Approval at Hearing and Last Permit Expiration	November 19, 1999 November 19, 2004
Total Number of FLH Units	1
Mobile Home or Permanent Housing	Mobil Home
Number of Laborers	2
Farming activity on same parcel(s) as FLH? If not or additional, list APN(s) and Owner(s)	No
Type of Farming	Beans, artichokes, leeks, fava beans, peas and pumpkins
Farm Laborers' Responsibilities	All planting, harvesting and packing
Owner/Applicant's assertion that farm laborers (on average) derive 20+ hours per week and earn 1/2 their income from agricultural activity	Yes (confirmed by applicant)
Existing Agricultural Development	FLH trailer, sheds
Existing Non-Agricultural Development	Owner's residence
Domestic Water Source	Well
Sewage Disposal	Septic
Regulated by the Environmental Health Division as Employee Housing (5+ workers)	No
Recommended Permit Term	5 Years

On October 8, 2014, the Planning Commission adopted revised "Farm Labor Housing (FLH) Application Process and Procedures," after extensive review by and input from the Agricultural Advisory Committee (AAC). In 2012, critical issues had arisen leading up to the need for these changes.

The first was that by 2012, staff had a backlog of 45 FLH applications in various, delayed states of review (some pending amendments, resolution of violations or renewal). At that time, with Supervisor Horsley's support, Planning staff sent surveys to nearly all FLH applicants/owners. The survey responses clarified for staff those FLH operations that: (a) had not proposed any changes (thus qualifying for renewal), (b) cited more FLH units (or less) than the respective FLH files had upon our last review (likely requiring a FLH permit amendment), or (c) no longer were active, due to the cessation of the supporting farming operation or other factors (requiring eventual follow-up to ensure that temporary or permanent FLH units were either removed or otherwise permitted with the required permits).

As a result of these issues, and upon a thorough review of the 45 cited FLH cases, 13 of those operations had responded back to Planning that neither the need for nor number of FLH units had changed on their respective properties. With the Certificate of

Need Committee and actions since removed from the FLH application permitting process, the AAC's review assessed whether or not there is or remains (as in the case with renewals, which these 13 cases represented) the justifiable need and qualification for continuance of the FLH operation. The AAC recommended approval of all 13 FLH cases (including this case) over the course of two meetings, April 13, 2015 and May 11, 2015.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan

Staff has determined that this Permit renewal is in compliance with the applicable policies of the General Plan's Soil Resources, Vegetative, Water, Fish and Wildlife Resources, Rural Land Use Policies, and Visual Quality elements.

2. Compliance with Planned Agricultural District (PAD) Zoning Regulations

The project is located on a parcel zoned Planned Agricultural District. Farm Labor Housing is allowed in the PAD with a PAD Permit. This case is a Renewal of the initial PAD Permit last approved in 1999, having expired in 2004. No additional FLH units have been added or are proposed, there is no intensification of the ongoing FLH facilities or supporting uses or infrastructure and there are no pending zoning or Building violations. Also, as cited previously in this report, the AAC (who reviews all PAD Permits) reviewed and recommended approval of this application. As such, staff has determined that the application is in compliance with the PAD Regulations.

3. Compliance with Local Coastal Program (LCP) Policies

Given that the application is a PAD Permit renewal to allow the FLH facilities to continue (with the same caveat of no issues as cited above), staff has determined that the PAD Permit renewal is in compliance with applicable policies of the LCP's Agricultural, Sensitive Habitats, and Visual Resources components.

4. Compliance with Revised Farm Labor Housing Application Policy

On October 8, 2014, the Planning Commission adopted revised "Application Process and Procedures for Farm Labor Housing." With that came the following changes, as applicable to this application: (1) elimination of the previous Certificate of Need Committee, whereby the AAC would determine a proposed FLH operation's justification as part of their review of the PAD

Permit, and (2) clarification of the definition of a “farm laborer” as being a person who derives more than 20 hours per week average employment from on- or off-site agricultural operations (within San Mateo County) and earns at least half their income from agriculturally-related work. As cited previously in this report, the AAC’s review of this application confirmed that the need for the FLH operation exists and that the farm laborers occupying the subject housing met the definition.

5. Agricultural Advisory Committee Review

At its April 13, 2015 and May 11, 2015 meetings, the Agricultural Advisory Committee recommended approval of this project on the basis that it will have no negative impact to the surrounding agricultural uses on the property and that the Farm Labor Housing unit complies with the PAD regulatory criteria for FLH units as well as those criteria of the revised FLH Application and Process policy.

B. COMPLIANCE WITH CONDITIONS OF THE LAST FLH APPROVAL

The applicant is proposing to renew the existing PAD Permit granted in 1999. The conditions of approval are identified below with staff’s discussion on compliance and a recommendation to retain/not retain each condition. Subsequently, staff also recommends additional conditions identified below.

1999 Conditions of Approval

- *Conditions of Approval Nos. 1 through 12, and Nos. 17 through 25.*

Compliance with Conditions? Yes.

Recommend to Retain? No. These Conditions of Approval, from Planning, Building, Environmental Health, Public Works, and Cal-Fire pertain to the original placement and construction of the mobile home unit. The applicant has fulfilled this condition to the satisfaction of these departments and agencies.

- *The permitted use of Farm Labor Housing shall only be occupied by farm workers and their dependents.*

Compliance with Condition? Yes. Per the 2012 Farm Labor Housing Survey submitted by the applicant, the existing unit is currently used by two farm workers and their dependents.

Recommend to Retain? Yes, but modified as Condition No. 3: The units shall be occupied by farm workers and their dependents only.

- *A new operator, a change in operations, or a proposed increase in the number of units requires that the applicant (or new operators) shall apply for and receive a new Certificate of Need if the unit continues to be occupied.*

Compliance with Condition? Yes. Since 1999, there have been no changes in the farming operation or increase in the number of FLH units.

Recommend to Retain? No. Pursuant to the revised FLH the Certificate of Need is no longer a requirement for Farm Labor Housing.

- *Upon termination of this permit for Farm Labor Housing, the applicant shall remove the temporary structure from the property. The applicant shall contact the Building Inspection Section to inquire if a demolition/removal permit is required.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, but modified to Condition 4: In the event that the farming operations justifying the FLH units ceases or if the FLH development is proposed to be enlarged or significantly changed, it shall be the owner's/applicant's responsibility to notify the County by letter of such change, and applying for the necessary permits to demolish the structure or use it for another permitted use. Accordingly, such notice shall identify the owner's/applicant's intention to either remove the FLH units (and associated infrastructure) or otherwise convert such improvements to that allowed by zoning district regulations. In either case, building permits and associated inspections by the Building Inspection Section and the Environmental Health Division shall be required to ensure that all structures have been removed, infrastructure properly abandoned or that such converted development complies with all applicable regulations.

Recommended Additional Conditions of Approval

Staff recommends the addition of new or modified conditions of approval included in Attachment A.

C. ENVIRONMENTAL REVIEW

The renewal of the PAD Permit is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1; Existing Facilities); the operation of existing private facility, involving negligible or no expansion of existing (FLH) use.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 1999-00045 Hearing Date: September 1, 2016

Prepared By: Rob Bartoli, Project Planner For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1; Existing Facilities); the operation of existing private facility, involving negligible or no expansion of existing Farm Labor Housing (FLH) use.

Regarding the Planned Agricultural District (PAD) permit, Find:

2. That ongoing Farm Labor Housing operation, that includes no expansion development or intensification of use, continues to comply the PAD General Criteria (Section 6355.A.) and Water Supply Criteria (6355.B.), and is not applicable to remaining Subsections C., D., E., and F.
3. That the ongoing Farm Labor Housing facility is consistent with the revised "Farm Labor Housing Application Process and Procedures."

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Zoning Hearing Officer at the September 1, 2016 meeting. 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. This permit shall be valid for a period of five (5) years from the date of final approval. Renewal of the PAD Permit to allow continuance of the FLH facility shall be applied for six (6) months prior to expiration to the Planning and Building

Department. Such PAD Permit renewal or amendment shall include adequate documentation which demonstrates that the FLH worker(s) each derive more than 20 hours per week average employment from on- or off-site agricultural operations (within San Mateo County) and earn at least half their income for agriculturally-related work. This documentation shall, minimally be in the form of a signed statement from the property owner or permit applicant, and shall be reviewed by the Agricultural Advisory Committee. Failure to submit such documentation may result in a public hearing to consider revocation of this permit.

3. The units shall be occupied by farm workers and their dependents only.
4. In the event that the farming operations justifying the FLH units ceases or if the FLH development is proposed to be enlarged or significantly changed, it shall be the owner's/applicant's responsibility to notify the County by letter of such change, and applying for the necessary permits to demolish the structure or use it for another permitted use. Accordingly, such notice shall identify the owner's/applicant's intention to either remove the FLH units (and associated infrastructure) or otherwise convert such improvements to that allowed by zoning district regulations. In either case, building permits and associated inspections by the Building Inspection Section and the Environmental Health Division shall be required to ensure that all structures have been removed, infrastructure properly abandoned or that such converted development complies with all applicable regulations.
5. In the case of proposed changes to permitted FLH, the owner/applicant shall submit a written description of the proposed change to the Planning Department, and if the change is considered significant by the Community Development Director, submit a complete permit amendment application.

Environmental Health Division

6. The applicant shall maintain the unit and ancillary support facilities and infrastructure in a manner satisfactory to and in compliance with all regulations of the County Environmental Health Division.

Building Inspection Section

7. The applicant shall maintain the unit and ancillary support facilities and infrastructure in a manner satisfactory to and in compliance with all regulations of the County Building Inspection Section. Any additions or changes, even if deemed a "minor revision or modification" to the FLH operation as cited in Condition No. 1, may require a building permit and are, in any case, subject to all applicable Building Code requirements.

Coastside Fire Protection District/Cal-Fire

8. The applicant shall maintain the unit and ancillary support facilities and infrastructure in a manner satisfactory to and in compliance with all regulations of the County Fire Authority.
9. The applicant shall maintain around and adjacent to the mobile home and buildings, a fuel break/firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet from each side thereof.

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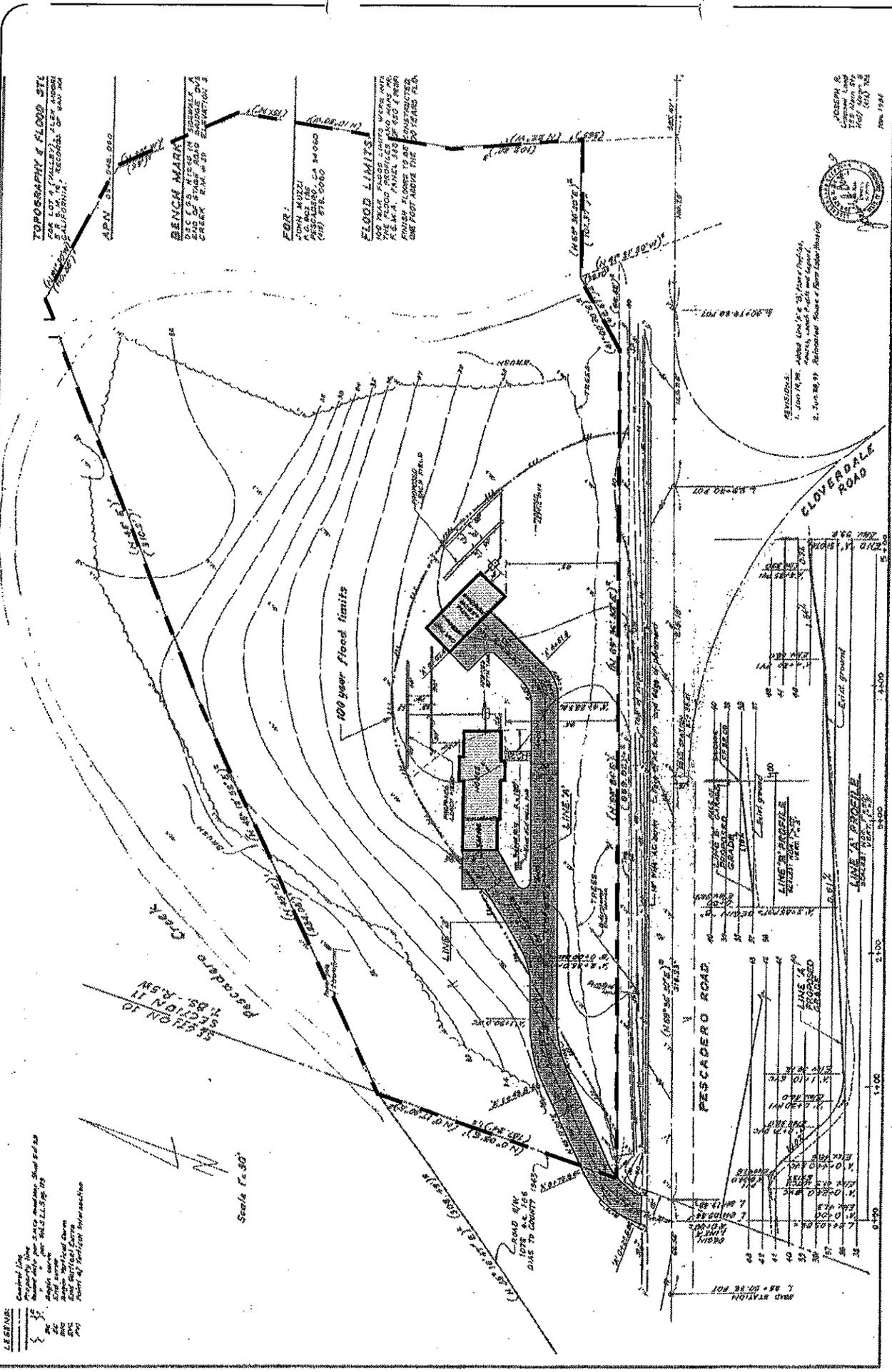


San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



San Mateo County Zoning Hearing Officer Meeting

Applicant: John Muzzi

File Numbers: PLN 1999-00045

