

**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 11045 Tunitas Creek Road, in the unincorporated Half Moon Bay area of San Mateo County.

County File Number: PLN 1999-00473 (Pielenz/Potrero Nuevo Farm)

**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 1999-00473, 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/Applicant: Christine Pielenz/Potrero Nuevo Farm

Location: 1045 Tunitas Creek Rd., Half Moon Bay

APN: 081-070-100

Zoning	PAD
Parcel Size	300 Acres
Permit's Last Approval at Hearing and Last Permit Expiration	March 2, 2001 February 15, 2005

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)	Yes
Type of Farming	2+ Acres - organic vegetables 1 Acre - orchard 250 Acres - grazing
Farm Laborers' Responsibilities	Farming acreage and maintaining additional fields and grazed land; weed control on 15 acres
Owner/Applicant's assertion that farm laborers (on average) derive 20+ hours per week and earn 1/2 their income from agricultural activity	Pending response
Existing Agricultural Development	Barn, greenhouse, equipment shed, FLH trailer
Existing Non-Agricultural Development	Owner's residence, garage
Domestic Water Source	Wells
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) 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 2001, having expired in 2006. 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 2001. 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.

**2001 Conditions of Approval**

- *The use permit is subject to two administrative reviews in February 2003 and June 2005, to ensure compliance with the conditions of approval. To facilitate in these reviews, the applicant shall submit signed "certification of farm labor housing eligibility" forms which demonstrate that the occupants are bona fide farm workers.*

Compliance with Condition? Yes.

Recommend to Retain? No. This condition has been combined with Condition No. 2 which sets the permit validity and the requirements for Farm Labor Housing documentation (e.g., 20 hours of employment per week, signed statements) and requirements for permit review.

- *The applicant shall complete the conditions of approval from the Fire Department within 60 days of approval of this permit. The Planning Division should be notified in writing of the completion of these conditions within this time period. Failure to complete the conditions and submit such documentation may result in a public hearing to consider revocation of this permit.*

Compliance with Condition? Yes.

Recommend to Retain? No. As the conditions on the property regarding the Farm Labor Housing units is not being altered, there are no Fire

Department conditions that require any alteration or installation of improvements on the property.

- *Planning staff may, upon the recommendations of the Agricultural Advisors Committee, elect to conduct additional reviews beyond the annual administrative review. At that time, the applicant shall submit payroll documentation verifying that the housing is occupied by the farm employees. Examples of circumstances, which would cause this type of review, include change in farm operations and the suspected use of the housing by people other than bona fide farm laborers.*

Compliance with Condition? Yes.

Recommend to Retain? No. This condition has been combined with Condition No. 2 which sets the permit validity and the requirements for Farm Labor Housing documentation.

- *The mobile home shall be occupied by farm workers and their family members only.*

Compliance with Condition? Yes, per the 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, see Condition No. 3.

- *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 units will be continued to be utilized.*

Compliance with Condition? Yes.

Recommend to Retain? No. The Certificate of Need is no longer a requirement for Farm Labor Housing.

- *At the time of termination of the use permit for Farm Labor Housing, all mobile homes and supporting utilities shall be removed from the temporary home site and the applicant shall submit in writing to the Planning Director that the mobile homes have been removed.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, but modify 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.

- *The mobile home shall be self-contained with a sanitary toilet, shower, lavatory facilities, and approved heating and electric lights. A kitchen shall include a refrigerator, sink, and stove.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, see Condition No. 5.

- *The mobile home shall be installed on piers with no permanent foundation.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, see Condition No. 6.

- *The mobile home shall be maintained to meet the basic State Housing and Health Code requirements for habitation.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, see Condition No. 8.

- *The mobile home shall meet all requirements of the Environmental Health Division regarding domestic water supply and on-site sewage disposal system.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, see Condition No. 9.

- *The mobile home shall meet all requirements of the County Fire Officer.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, see Condition No. 11.

- *Because of the unique configuration of your structure, the Coastside Fire Protection District is requiring the installation of heat detectors in each sleeping room and the corridors leading to them, instead of smoke detectors. The required locations are shown on the job copy of the approved plans.*

Compliance with Condition? Yes.

Recommend to Retain? No, the applicant fulfilled this condition.

- *The applicant is advised that the project is located within Fire Hazard Severity Zone #3307 on Official Maps of the Californian Department of Forestry and Fire Protection, and has been designated as having a moderate wildland fire danger rating. Structures located in such areas must annually conform to the fire safety clearance provisions of Public Resources Code Section 4291, and upon sale or transfer the owner must comply with the disclosure requirements of Public Resources Code Section 4136.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, see Condition No. 13.

- *Conditions Nos. 14-17 and Nos. 19-20.*

Compliance with Conditions? Yes.

Recommend to Retain? No, as these conditions were specific to development on the property, items that have not changes (such as requirement for the unit to have its own address), or conditions about future development. The applicant fulfilled these conditions to the satisfaction of the Building and Fire departments.

#### Recommended Additional Conditions of Approval

Staff recommends the addition of new and modified conditions of approval as 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 1999-00473      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 Planned Agricultural District (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 from 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. The mobile home shall be self-contained with a sanitary toilet, shower, lavatory facilities, and approved heating and electric lights. A kitchen shall include a refrigerator, sink, and stove.
6. The mobile home shall be installed on piers with no permanent foundation.
7. 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

8. The mobile home shall be maintained to meet the basic State Housing and Health Code requirements for habitation.
9. The mobile home shall meet all requirements of the Environmental Health Division regarding domestic water supply and on-site sewage disposal system.

### Building Inspection Section

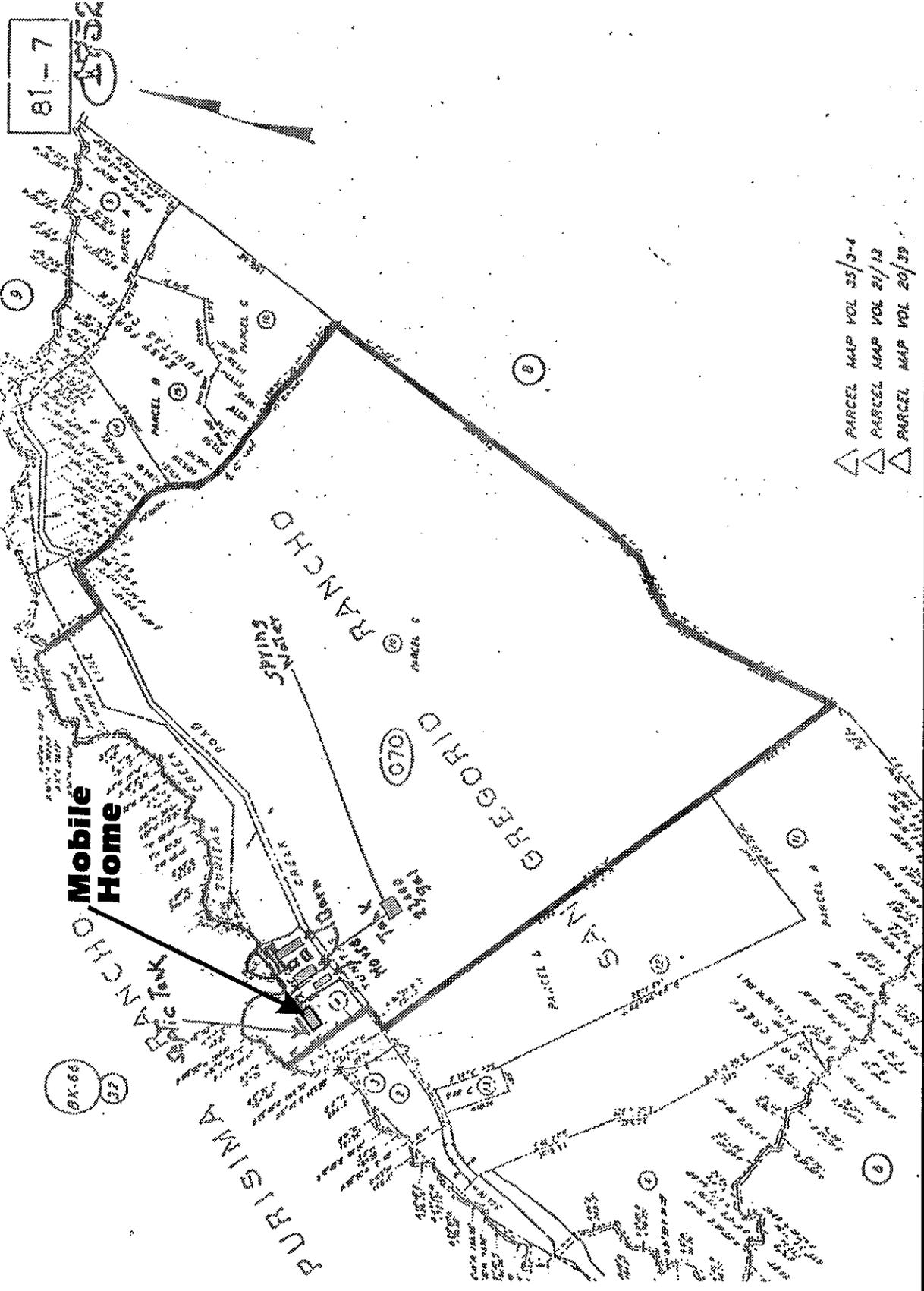
10. The applicant shall maintain the unit and ancillary support facilities and infrastructure in a manner satisfactory to and in compliance with all regulations of the County Building Inspection Section. Any additions or changes, even if deemed a “minor revision or modification” to the FLH operation 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

11. The mobile home shall meet all requirements of the County Fire Authority.
12. The applicant shall maintain around and adjacent to 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.
13. The applicant is advised that the project is located within Fire Hazard Severity Zone #3307 on Official Maps of the Californian Department of Forestry and Fire Protection, and has been designated as having a moderate wildland fire danger rating. Structures located in such areas must annually conform to the fire safety clearance provisions of Public Resources Code Section 4291, and upon sale or transfer the owner must comply with the disclosure requirements of Public Resources Code, Section 4136.

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**San Mateo County Zoning Hearing Officer**

Applicant: *Catherine Carhart*

File Numbers: PLN 1999-00473

