

**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 two permanent houses for farm labor housing located at 2700 Purisima Creek Road, in the unincorporated Half Moon Bay area of San Mateo County.

County File Number: PLN 1999-00508 (David Abrevaya)

**PROPOSAL**

The applicant requests the renewal of the Planned Agricultural District (PAD) permit to allow for the continued use of two permanent houses to be used as farm labor housing 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 approve the PAD permit renewal, County File Number PLN 1999-00508, 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: Todd Gelfand

Applicant: David Abrevaya

Location: 2700 Purisima Creek Road, Half Moon Bay

APN: 066-220-020

Zoning	PAD
Parcel Size	640 Acres
Permit's Last Approval at Hearing	March 15, 2001
Last Permit Expiration	March 1, 2006
Total No. of FLH Units	2
Mobile Home or Permanent Housing	Permanent Houses
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	Cattle-dryland and irrigated pasture (10 acres); rotational pasture tilled for pumpkins, peas, beans, artichokes
Farm Laborers' Responsibilities	Care of livestock, fencing, equipment repair and maintenance, tillage of soil, planting, irrigating, crop harvesting, road and trail maintenance
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	Soil-dependent greenhouses, FLH trailers
Existing Non-Agricultural Development	N/A
Domestic Water Source	Public Water System
Sewage Disposal	Septic
Regulated by the Environmental Health Division as Employee Housing (5+ workers)?  If so, current permit status?	Yes
Recommended Permit Term	10 Years

On October 8, 2014, the Planning Commission adopted the 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 two meetings, on 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 PAD. 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 the 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 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 APPROVAL

The applicant is also proposing to renew the existing PAD permit last 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**

- *Planning Department staff may, upon the recommendations of the Agricultural Advisory Committee, elect to conduct additional reviews beyond the annual administrative review. At that time, the applicant shall submit documentation to the satisfaction of the Community Development Director, which demonstrates that the housing is occupied by bona fide farm laborers. Failure to submit such documentation may result in a public hearing to consider revocation of this permit.*

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).

- *The farm labor housing shall be occupied by farm workers and their families 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, but modify to Condition 3: The units shall be occupied by farm workers and their dependents only.

- *This permit allows only two units of farm labor housing. Prior to providing more than two (2) units of farm labor housing on this property, the applicant shall obtain separate permits. The permitted units of farm labor housing shall only be occupied by farm workers and their dependents.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, but modify to Condition 4: In the case of proposed changes to the 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.

- *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.

- *Upon termination of this permit for farm labor housing, the applicant shall obtain the required permits for demolition from the Planning and Building Department and shall remove or convert the farm labor housing units and remove all supporting utilities from the property. This permit allows only temporary use of the two structures as residential units.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, but modify to Condition No 5: In the event that the farming operations justifying the FLH units cease 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 project site is located within Fire Hazard Severity Zone #3302 on Official Maps of the Californian Department of Forestry and Fire Protection, and has been designated as having a moderate wildland fire danger rating. The applicant is advised that the Public Resources Code Section 4136 requires that upon sale or transfer of real property, the seller shall disclose to the buyer that the property site is located within an area subject to wildland fire danger and that the State of California, Department of Forestry and Fire Protection (CDF), has no statutory responsibility to provide fire protection services to any building structure, or improvement located within the wildlands. The applicant is further advised that the property site shall comply with the fire safety/clearance requirements of Section 4291 of the Public Resources Code.*

Compliance with Condition? Yes.

Recommend to Retain? Yes. See Condition No. 6.

Recommended Additional Conditions of Approval: Staff recommends the addition of Condition No. 1, Attachment A.

#### C. ENVIRONMENTAL REVIEW

The renewal of the Farm Labor Housing 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

DJH:RJB;jlh – RJBAA0463\_WJU.DOCX

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 1999-00508      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 an existing private facility, involving negligible or no expansion of existing (FLH) use.

Regarding the Planned Agricultural District Permit Renewal, Find:

2. That the ongoing farm labor housing operation, that includes no expansion development or intensification of use, continues to comply with 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 ten (10) 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 case of proposed changes to the 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.
5. In the event that the farming operations justifying the FLH units cease 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 the 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.

#### Environmental Health Division

6. The subject houses utilized for farm labor housing shall be maintained to meet the basic State Housing and Health Code requirements for habitation.
7. The houses shall meet all requirements of the Environmental Health Division regarding domestic water supply and on-site sewage disposal system.

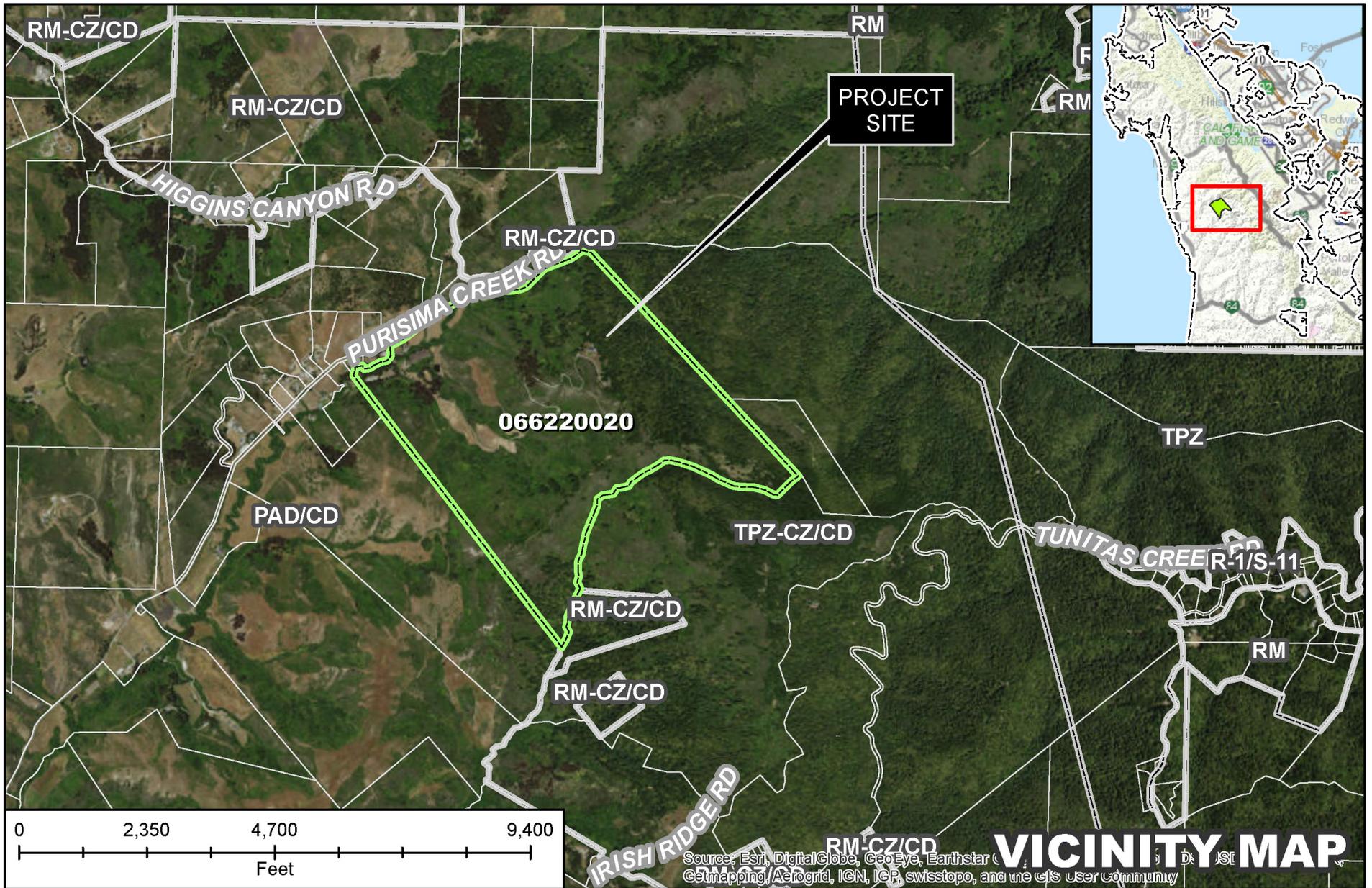
#### Building Inspection Section

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 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

9. The mobile home shall continue to meet all requirements of the County Fire Authority.
10. 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.
11. The project site is located within Fire Hazard Severity Zone #3302 on Official Maps of the Californian Department of Forestry and Fire Protection, and has been designated as having a moderate wildland fire danger rating. The applicant is advised that the Public Resources Code Section 4136 requires that upon sale or transfer of real property, the seller shall disclose to the buyer that the property site is located within an area subject to wildland fire danger and that the State of California, Department of Forestry and Fire Protection (CDF), has no statutory responsibility to provide fire protection services to any building structure, or improvement located within the wildlands. The applicant is further advised that the property site shall comply with the fire safety/clearance requirements of Section 4291 of the Public Resources Code.

DJH:RJB:jlh – RJBAA0463\_WJU.DOCX



**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: \_\_\_\_\_

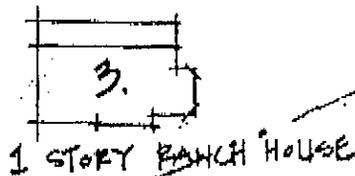
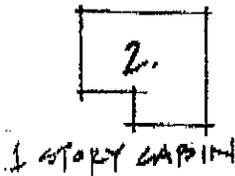
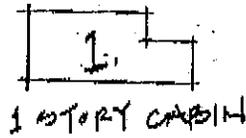
Attachment: \_\_\_\_\_

File Numbers: \_\_\_\_\_



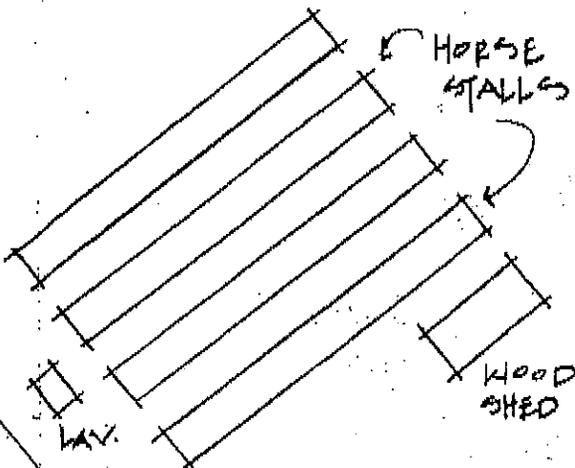
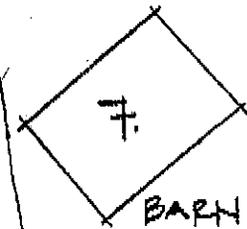
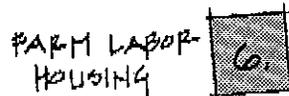
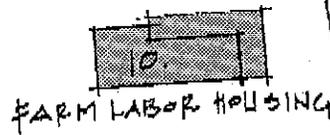
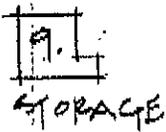
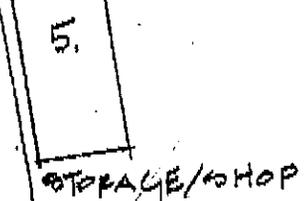
NOTE:

- 1) NUMBERS CORRESPOND TO #S ON ASSESSOR'S MAP.
- 2) LOCATION OF BUILDINGS IS APPROXIMATE



PURISIMA CREEK

BRIDGE

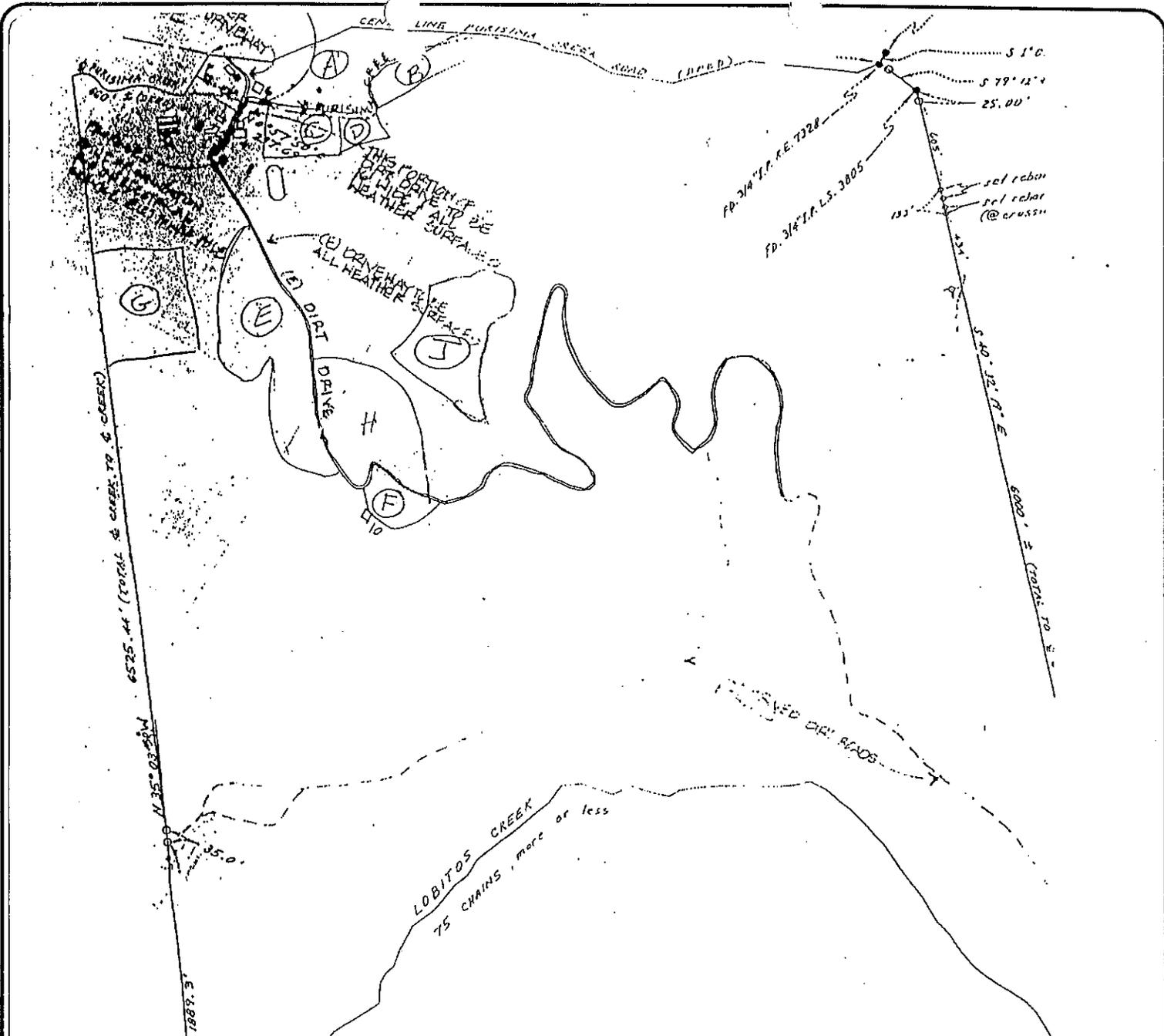


San Mateo County Zoning Hearing Officer

Applicant: Abrevaya

File Numbers: PAD 95-0004

Attachment:



AGRICULTURAL SITE PLAN

<u>AREA</u>	<u>ACREAGE</u>	<u>PRESENT USE</u>	<u>POSSIBLE FUTURE USE</u>
A	5	Irrigated pasture	same
B	2	Irrigated pasture	berries or row crop
C	2	rotational: pumpkins, pasture	berries or row crop
D	1	Vegetables	orchard or berries
E	5.4	Cats	same or pasture
F	1.5	peas and favas	pasture or dry crops
G	7.9	pasture	same or dry crops
H	2.8	pasture	same or dry crops
J	10	Cats	same or pasture

**San Mateo County Zoning Hearing Officer**

Applicant: Abrevaya

Attachment: \_\_\_\_\_

File Numbers: PAD 95-0004