

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

DATE: September 18, 2014

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of the renewal of a Farm Labor Housing Permit pursuant to Sections 6353 of the County Zoning Regulations allowing one permanent farm labor housing unit.

County File Number: PLN 1999-00754 (Janet Miller Abbott)

PROPOSAL

The applicant requests the renewal of a Farm Labor Housing Permit to allow the continued use of a farm labor housing unit. The applicant has submitted an affidavit signed by the resident of the unit attesting to his employment in San Mateo County agriculture. The use was first permitted in 1990.

RECOMMENDATION

Approve the Planned Agricultural Development Permit and Farm Labor Housing Permit renewal, County File Number PLN 1999-00754, by making the required findings and adopting the conditions of approval in Attachment A of this report.

BACKGROUND

Report Prepared By: Steven Rosen, Project Planner, Telephone 650/363-1814

Applicant: Janet Miller Abbott

Owner: Ann Russell Miller, L/E

Location: 1900 Bear Gulch Road, San Gregorio

APN: 081-340-050

Parcel Size: 257 acres

Existing Zoning: Planned Agricultural District/Coastal Development District

General Plan Designation: Agricultural

Existing Land Use: Agriculture

Sphere-of-Influence: None

Water Supply: Spring on Site

Sewage Disposal: Septic System

Flood Zone: FEMA Flood Zone X, area of minimal risk, per Community Panel No. 06081C-0380E, effective 2012.

Environmental Evaluation: Exempt under the provisions of Section 15301, Class 1, of the California Environmental Quality Act, regarding continued operation of existing facilities.

Setting: The project site is located about one-quarter mile off Bear Gulch Road, which runs through the property, and approximately two miles northeast of San Gregorio Road. The subject parcel is a portion of the Ann Miller Estate (named Island Farm) which comprises three contiguous parcels and 564 acres total. About 400 acres are cultivated with hay and barley to feed approximately 100 head of cattle grazing on the property. Scattered groves of oak and madrone trees are present on the property. El Corte de Madera Creek comprises a substantial portion of the subject parcel's western boundary.

Chronology:

<u>Date</u>	<u>Action</u>
December 11, 1989	- Building Inspector issues a Stop Work Notice for the existing farm labor unit.
July 13, 1990	- Applicant applied for a Certificate of Need for one unit of farm labor housing.
August 20, 1990	- Certificate of Need for farm labor housing granted.
August 21, 1991	- Agricultural Advisory Committee recommends approval of the farm labor housing application.
October 1991	- County staff requests plan and profile of Bear Gulch Road and private driveway.
May 1992	- County staff receives requested plan and profile. Applicant is directed to commit to construction of road and bridge

- improvements or formally request a Street Improvement Exception with supporting rationale.
- July 29, 1996 - Applicant submits cost estimates for bridge improvements.
 - January 14, 1997 - Notice of Violation sent to the property owner mandating completion of the permit application including submittal of Street Improvement application.
 - March 1997 - Applicant formally submits application and letter of rationale for Street Improvement Exception.
 - October 1997 - County staff receives approval of Certificate of Need from all committee members.
 - November 1997 - Zoning Hearing Officer approved the Farm Labor Housing and Street Improvement Exception.
 - January 2009 - Applicant applies for permit renewal.
 - July 2012 - Applicant submits Certification of Farm Labor Housing Eligibility, with signature attesting that the resident earns at least half his annual income as a farm laborer in San Mateo County.

DISCUSSION

A. COMPLIANCE WITH CONDITIONS OF THE LAST APPROVALS

Planning Division

1. The farm labor housing unit shall be occupied only by farm workers and their dependents.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

2. This permit shall be valid for a period of five (5) years until November 20, 2002, with annual administrative reviews. The applicant shall submit documentation, to the satisfaction of the Planning Director, at the time of each administrative review, which demonstrates that the occupant is a bona fide farm laborer. This documentation shall include signed statements from the occupants and any other relevant documentation which the Planning Director deems necessary. Failure to submit such documentation may result in a public hearing to consider revocation of this permit.

Compliance with Condition? No. The Planning Department sent two renewal notices in 2001, to which the applicant did not respond. The Planning Department then dropped the issue until 2008, when it sent two more renewal notices. The applicant submitted a renewal application in 2008.

Recommend to Retain Condition? Yes, with modification. Condition should be changed to reflect a permit expiration date of ten (10) years from the date of this approval, September 18, 2024. No administrative review will be required as a part of this amendment.

3. A new operator, a change in operations, or a proposed increase in units requires that the applicant apply for and receive a new Certificate of Need Committee approval if the unit continues to be occupied.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. In the future, the Farm Labor Housing regulations may be changed to do away with the Certificate of Need Committee, but for the time being this requirement is in effect.

4. Upon termination of this permit for farm labor housing, the applicant is required to conform the structure to current planning and zoning regulations pertaining to single-family development on this Planned Agricultural District (PAD) zoned parcel. The applicant may be required to conduct a density analysis, purchase an additional density credit, and/or restrict the unit to affordable rental housing limitations. The applicant shall contact the Planning Division to determine these requirements.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. Upon termination of the farm labor housing permit, the housing unit would be considered a normal single-family dwelling. Farm labor housing is granted special dispensation in the County's Zoning Regulations and General Plan. The condition is updated to reflect current terminology.

5. The applicant shall comply with all conditions and requirements of the Building Inspection Section, Fire Marshal, and Environmental Health Section within 60 days of final approval. Failure to comply will result in a hearing to consider revocation of this permit.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, amended to remove the hearing to revoke the permit. If the condition is not met, the permit is revoked.

Department of Public Works

6. The applicant shall construct all work required in order to reduce the grade of the private driveway in all areas that exceed 20 percent. This work shall be completed prior to building permit final approval.

Compliance with Condition? The work was completed as conditioned.

Recommend to Retain Condition? No. It is no longer necessary.

Building Inspection Section

7. The applicant shall obtain all building permits for the farm labor unit.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. All construction on dwellings in the County requires a building permit.

Cal-Fire

8. The applicant shall provide, or show there currently exists, a water storage tank of at least 8,630 gallons, for fire protection purposes only; the tank shall be so located, as to provide a 200 gpm fire flow, at 20 psi residual pressure, through a standpipe, located not less than 30, nor more than 150 feet from the structures (as measured along the access road/driveway), through gravity or an approved pumping system.

Compliance with Condition? Yes. The California Department of Forestry and Fire Protection (CDF) Fire Marshal confirmed on July 2, 2014, that development on site meets the fire code.

Recommend to Retain Condition? Yes.

9. The applicant shall remove all flammable ground vegetation, for a distance of not less than 30 feet, around the structures, and shall remove all dead wood from any overhanging trees.

Compliance with Condition? Yes. The CDF Fire Marshal confirmed on July 2, 2014, that development on site meets the fire code.

Recommend to Retain Condition? Yes.

10. The applicant shall provide approved spark-arresting screens, or devices, on all chimney or woodstove outlets, and shall remove all portions of any tree within 10 feet of these outlets. (The south elevation appears to reflect a

fireplace chimney, which is not reflected on other elevations or the floor plan.)

Compliance with Condition? Yes. The CDF Fire Marshal confirmed on July 2, 2014, that development on site meets the fire code.

Recommend to Retain Condition? Yes.

11. The applicant shall clearly post the address for the structure, as assigned by the Building Official, in a visible manner at the driveway entrance, with additional directional signs, as determined by the Fire Marshal.

Compliance with Condition? Yes. The CDF Fire Marshal confirmed on July 2, 2014, that development on-site meets the fire code.

Recommend to Retain Condition? Yes.

12. The applicant shall provide minimum Class "C" or better fire resistive roofing materials.

Compliance with Condition? Yes. The CDF Fire Marshal confirmed on July 2, 2014, that development on-site meets the fire code.

Recommend to Retain Condition? Yes. Replacement roofs shall also conform to the CDF standard.

Environmental Health

13. Prior to the issuance of a building permit, the applicant must submit proof of domestic water meeting quality and quantity standards.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. Comments received from Environmental Health state that previous tests showed that the septic system is adequate for the existing development under review.

14. The applicant shall obtain a septic permit and meet all requirements of Environmental Health.

Compliance with Condition? Yes. The applicant did this for the initial review of this project.

Recommend to Retain Condition? No. No additional development is proposed.

B. COMPLIANCE WITH CURRENT REGULATIONS

1. Conformance to the General Plan

The San Mateo County General Plan designates this property as agriculture and outside the urban boundary. The farm labor housing under review supports agriculture. Furthermore, staff has determined that the project complies with applicable General Plan Policies, with specific discussion of the following:

Chapter 1 – Vegetative, Water, Fish, and Wildlife Resources

Policies 1.22 through 1.23 (*Regulation of Location, Density, and Design of Development to Protect Vegetative, Fish and Wildlife Resources*) require new development to minimize and mitigate adverse impacts on these natural resources. This renewal does not entail any new development, tree cutting, removal of vegetation, and or encroachment into sensitive habitats. The existing structure is located 800 feet from the nearest creek (El Corte De Madera Creek) to the northwest.

Chapter 2 – Soil Resources

Policy 2.20 (*Regulate Location and Design of Development in Areas with Productive Soil Resources*) requires that location and design of development protect areas with productive soil resources. The subject property is comprised of “lands suitable for agriculture” as well as “other lands” which are considered non-prime. The existing farm labor unit is sited on land categorized as “other lands” by the County resource maps and is, therefore, appropriately sited on the subject property. No new soil disturbance or removal is proposed.

Chapter 9 – Rural Land Use

Policy 9.28 (*Encourage Existing and Potential Agricultural Uses*) requires the continuance of existing agriculture and agriculturally-related activities as feasible. The farm labor housing facilitates the agricultural operations on this farm.

2. Conformance to the Local Coastal Program

The project, as proposed and conditioned, has been found to be in compliance with the Local Coastal Program, with specific discussion of the following policies:

Chapter 3 – Housing

The project conforms to Policy 3.18.b.3 (*Location of Affordable Housing*). This policy encourages farm labor housing on private farms and ranches.

Chapter 8 – Visual Resources

Policy 8.19 (*Colors and Materials*) requires the use of colors and materials which blend, rather than contrast, with the surrounding physical conditions of the site. Policy 8.20 (*Scale*) requires that the new construction be related to nearby landforms in terms of size and scale of development. The existing building is finished with beige vertical wood siding and has a brown composition shingle roof. The earthtone color and materials are appropriate for San Gregorio. The structure size of 2,000 square feet and single-story height blends well with surrounding landforms.

3. Farm Labor Housing Policy

a. Agricultural Advisory Committee

The Agricultural Advisory Committee reviews all applications that may affect agricultural productivity on lands zoned Planned Agricultural District (PAD). This application was reviewed and recommended for approval by the Agricultural Advisory Committee on June 8, 2009.

b. Certificate of Need Committee

Because it is the policy of the County to facilitate agricultural productivity in every way, the Zoning Regulations allow for the provision of both temporary and permanent farm labor housing units for farms when there is a demonstrable need for such housing. A Certificate of Need shall be filled out by the owner and an occupant certification form signed by the resident of the farm labor unit. A Certificate of Need Committee comprised of the Community Development Director, the Environmental Health Director, the County Agricultural Commissioner, the San Mateo County Farm Bureau Director and the UC Davis Cooperative Extension Representative shall review and approve the request. The applicant has submitted the Certificate of Need including occupant certification, and this request has been reviewed and approved by all members of the Certificate of Need Committee.

C. ENVIRONMENTAL REVIEW

This project is exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, regarding continued operation of an existing facility.

D. REVIEWING AGENCIES

Department of Public Works
Environmental Health Division
Building Inspection Section
Cal-Fire
Certificate of Need Committee

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 1999-00754 Hearing Date: September 18, 2014

Prepared By: Steven Rosen
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the project is exempt from CEQA, Class 1, Section 15301, regarding continued operation of existing facilities.

Regarding the Farm Labor Housing Permit, Find:

2. That pursuant to the Policies and Procedures for Farm Labor Housing adopted by the Planning Commission on October 13, 1982, one unit of farm labor housing on a permanent foundation is consistent with the needs of the existing and proposed operations on the site and is consistent with the needs of similar operations.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The farm labor housing unit shall be occupied only by farm workers and their dependents.
2. This permit shall be valid for a period of ten (10) years until September 18, 2024, with annual administrative reviews. The applicant shall submit documentation, to the satisfaction of the Community Development Director, at the time of each administrative review, which demonstrates that the occupant is a bona fide farm laborer. This documentation shall include signed statements from the occupants and any other relevant documentation which the Community Development Director deems necessary. Failure to submit such documentation may result in a public hearing to consider revocation of this permit.

3. A new operator, a change in operations, or a proposed increase in units requires that the applicant apply for and receive a new Certificate of Need Committee approval if the unit continues to be occupied.
4. Upon termination of this permit for farm labor housing, the applicant is required to conform the structure to current planning and zoning regulations pertaining to single-family development on this Planned Agricultural District (PAD) zoned parcel. The applicant may be required to conduct a density analysis, purchase an additional density credit, restrict the unit to affordable rental housing limitations, or demolish the unit. The applicant shall contact the Planning Department to determine these requirements.
5. The applicant shall comply with all conditions and requirements of the Building Inspection Section, Fire Marshal, and Environmental Health Division within 60 days of final approval.
6. The applicant shall obtain all building permits for the farm labor unit.
7. The applicant shall provide, or show there currently exists, a water storage tank of at least 8,630 gallons, for fire protection purposes only; the tank shall be so located, as to provide a 200 gpm fire flow, at 20 psi residual pressure, through a standpipe, located not less than 30 feet, nor more than 150 feet from the structures (as measured along the access road/driveway), through gravity or an approved pumping system.
8. The applicant shall remove all flammable ground vegetation, for a distance of not less than 30 feet, around the structures, and shall remove all dead wood from any overhanging trees.
9. The applicant shall provide approved spark-arresting screens, or devices, on all chimney or woodstove outlets, and shall remove all portions of any tree within 10 feet of these outlets. (The south elevation appears to reflect a fireplace chimney, which is not reflected on other elevations or the floor plan.)
10. The applicant shall clearly post the address for the structure, as assigned by the building inspector, in a visible manner at the driveway entrance, with additional directional signs, as determined by the Fire Marshal.
11. The applicant shall provide minimum Class "C" or better fire resistive roofing materials.

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