



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building Department



DATE: October 31, 2011
BOARD MEETING DATE: November 15, 2011
SPECIAL NOTICE/HEARING: 10 days; within 300 feet
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Jim Eggemeyer, Community Development Director

SUBJECT: EXECUTIVE SUMMARY: Public hearing to consider two appeals of the Planning Commission's decision on the Exclusive Fresh project, consisting of a Use Permit Renewal, Variance, and Coastal Development Permit Exemption to (1) allow the continued operation of a wholesale seafood processing business, and (2) grant an exception to the maximum lot coverage allowed in the Waterfront Zoning District, located at 165 and 175 Airport Street in the unincorporated Princeton area of San Mateo County.

RECOMMENDATION:

Deny the appeals and uphold the Planning Commission's decision to:

1. Hold the Use Permit Renewal, County File No. PLN 2001-00553, in abeyance for an interim period of time (two years) subject to the Interim Operating Conditions as listed in Attachment A, while updates to the Airport Land Use Compatibility Plan (ALUCP) for the Half Moon Bay Airport and County Zoning Regulations are being processed.
2. Deny the Variance and Coastal Development Permit Exemption, PLN 2010-00250, by making the findings listed in Attachment A.

BACKGROUND:

The applicant is requesting a use permit renewal (PLN 2001-00553) for the continued operation of a wholesale seafood processing business on two adjacent parcels at the corner of Airport Street and Harvard Avenue, addressed as 165 and 175 Airport Street, in the unincorporated Princeton area of San Mateo County. The combined parcels total 11,705 sq. ft. and include a two-story 7,020 sq. ft. warehouse used as a seafood processing plant known as Exclusive Fresh, Inc.

The applicant is also requesting a Variance and Coastal Development Permit Exemption (PLN 2010-00250) to exceed the maximum allowed lot coverage (60%) within the

Waterfront (W) Zoning District in order to legalize an unpermitted roof structure (1,194.18 sq. ft.) over the crab processing area located at the northwest (rear) corner of the parcel. Existing permitted lot coverage is 59.97%; lot coverage includes all structures greater than 18 inches above grade. A variance would increase the lot coverage to 70.17%. As discussed in Section D of the staff report, staff is unable to recommend that the required findings be made to support a variance.

DISCUSSION:

Use Permit PLN 2001-00553, which allows the operation of an existing wholesale seafood processing plant at 165 and 175 Airport Street in Princeton, expired on November 6, 2002. The owner submitted an application for renewal on January 27, 2010, following notification from the County of the expired use permit. Additionally, a Variance and Coastal Development Permit Exemption application was later submitted on August 13, 2010 to exceed the maximum lot coverage of the Waterfront (W) Zoning District to legalize an existing unpermitted 1,194.18 sq. ft. roof structure at the rear of the warehouse.

After several public hearings before the Planning Commission in which various issues were discussed, including site compliance with previous conditions of approval, noise level and odor compliance, parking, stormwater and drainage concerns, discussion of the Airport Overlay District regulation regarding the maximum number of people allowed on-site (given the existing operation exceeds the maximum allowed), and analysis of the variance request, on June 8, 2011, the Planning Commission voted (4-1) to hold the Use Permit Renewal, PLN 2001-00553, in abeyance for an interim period of time (two years) subject to the Interim Operating Conditions as listed in Attachment A, while State updates to the Airport Land Use Compatibility Plan (ALUCP) for the Half Moon Bay Airport, and subsequent or concurrent updates to the County's Zoning Regulations are being completed, and deny the Variance and Coastal Development Permit Exemption, PLN 2010-00250.

Subsequently, on June 22, 2011, two appeals were filed on the Planning Commission's decision. The appeals identify several issues of concern, including the findings for denial of the variance, interim operating conditions requiring removal of the unpermitted roof structure, and decision to hold the use permit renewal and number of people allowed on-site in abeyance for an interim period of time. Staff has reviewed and addressed the appeal issues in the staff report (see Section A) and finds no new issues requiring revision to the recommendation or interim operating conditions of approval.

County Counsel has reviewed and approved the materials as to form and content.

Allowing the wholesale seafood processing business to continue operating under Interim Operating Conditions for a two (2) year period of time while updates to the plans and regulations (State and County) that govern the environs of the Half Moon Bay Airport and surrounding area are being completed contributes to the 2025 Shared Vision outcome of a Livable Community by providing local employment opportunities for the Coast-side community, resulting in economic and social benefits to the residents in the area, while allowing the County to set enforceable parameters on the business operation.

FISCAL IMPACT:

There is no Net County Cost associated with these appeals. Upholding the Planning Commission's decision will allow the business to continue operating, thereby resulting in the continued generation of property tax and business revenue. Additionally, the business supports and contributes to the Coastsides economy by providing trade and employment opportunity to the local vicinity and greater Bay Area it serves.



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FROM: Jim Eggemeyer, Community Development Director

SUBJECT: Public hearing to consider two appeals of the Planning Commission's decision on the Exclusive Fresh project, consisting of a Use Permit Renewal, Variance, and Coastal Development Permit Exemption, pursuant to Sections 6500, 6530, and 6328.5 of the San Mateo County Zoning Regulations, respectively, to (1) allow the continued operation of a wholesale seafood processing business, and (2) grant an exception to the maximum lot coverage allowed in the Waterfront Zoning District, located at 165 and 175 Airport Street in the unincorporated Princeton area of San Mateo County.

County File Numbers: PLN 2001-00553 and PLN 2010-00250 (Bruno)

RECOMMENDATION:

Deny the appeals and uphold the Planning Commission's decision to:

1. Hold the Use Permit Renewal, County File No. PLN 2001-00553, in abeyance for an interim period of time (two years) subject to the Interim Operating Conditions as listed in Attachment A, while updates to the Airport Land Use Compatibility Plan (ALUCP) for the Half Moon Bay Airport and County Zoning Regulations are being processed.
2. Deny the Variance and Coastal Development Permit Exemption, PLN 2010-00250, by making the findings listed in Attachment A.

BACKGROUND:

Proposal: The applicant is requesting a use permit renewal (PLN 2001-00553) for the continued operation of a wholesale seafood processing business on two adjacent parcels at the corner of Airport Street and Harvard Avenue, addressed as 165 and 175 Airport Street, in the unincorporated Princeton area of San Mateo County. The combined parcels total 11,705 sq. ft. and include a two-story 7,020 sq. ft. warehouse used as a seafood processing plant known as Exclusive Fresh, Inc.

The applicant is also requesting a Variance and Coastal Development Permit Exemption (PLN 2010-00250) to exceed the maximum allowed lot coverage (60%) within the Waterfront (W) Zoning District in order to legalize an unpermitted roof structure (1,194.18 sq. ft.) over the crab processing area located at the northwest (rear) corner of the parcel. Existing permitted lot coverage is 59.97%; lot coverage includes all structures greater than 18 inches above grade. A variance would increase the lot coverage to 70.17%. As discussed in Section D below, staff is unable to recommend that the required findings be made to support a variance.

Planning Commission Action: On June 8, 2011, the Planning Commission voted (4-1) to (1) hold the Use Permit Renewal, PLN 2001-00553, in abeyance for an interim period of time (two years) subject to the Interim Operating Conditions as listed in Attachment A, while updates to the Airport Land Use Compatibility Plan (ALUCP) for the Half Moon Bay Airport and County Zoning Regulations are being processed, and (2) deny the Variance and Coastal Development Permit Exemption, PLN 2010-00250, by making the findings listed in Attachment A.

Report Prepared By: Summer Burlison, Project Planner, Telephone 650/363-1815

Appellants: Philip Bruno by Michael McCracken; Julian McCurrach by Gregory Antone

Owner/Applicant: Philip Bruno

Location: 165 and 175 Airport Street, Princeton

APNs: 047-031-340 and 047-031-210, respectively

Parcel Size: 11,705 sq. ft.

Existing Zoning: W/AO/DR (Waterfront/Airport Overlay/Design Review)

General Plan Designation: General Industrial

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Wholesale Seafood Processing Plant

Water Supply: Existing; Coastside County Water District

Sewage Disposal: Existing; Granada Sanitary District

Flood Zone: Zone C (areas of minimal flooding), Community Panel No. 060311 0113 B, effective July 5, 1984.

Environmental Evaluation: Categorically exempt from CEQA Guidelines pursuant to Section 15301, Class 1, regarding the continued operation of an existing facility.

Parcel Legality: The parcels were permitted and developed with the principally permitted use since 1987 (175 Airport Street) and 1994 (165 Airport Street).

Setting: The seafood processing plant includes two parcels at the northwest corner of Airport Street and Harvard Avenue. Assessor's Parcel Number 047-031-340 (corner parcel) is addressed as 165 Airport Street and was constructed as a two-story warehouse building and Assessor's Parcel Number 047-031-210 (interior parcel), addressed as 175 Airport Street, was constructed as a one-story warehouse building. The two buildings have been joined to form the current wholesale seafood processing plant, Exclusive Fresh, Inc., and include seafood processing areas, office areas, storage areas, and freezers. Although an original permit included an upstairs caretaker's quarters, the designated area is currently used as an office and conference room with a kitchenette. The 7,020 sq. ft. combined warehouse building occupies most of the 11,705 sq. ft. area of land. Remaining areas along the street frontages are paved for vehicle parking and delivery truck loading/unloading. Additionally, employee vehicles and delivery trucks related to the business operation are parked/stored at an off-site location (under the same ownership as the subject parcels) at the southeast corner of Airport Street and Cornell Avenue for which there is an approved use permit to allow outdoor storage of fishing equipment and parking. The majority of daily business activity is conducted between early to late mornings. The surrounding area is primarily comprised of industrial-related uses.

Chronology: See Attachment R.

DISCUSSION:

A. KEY ISSUES OF THE APPEALS

Two appeals of the Planning Commission's decision on June 8, 2011, were filed, see Attachment P.1 and P.2. The issues of each appeal are provided below (*in italicized text*), with staff's response following each point. Each appeal is referenced by its corresponding Attachment "letter" with each point further differentiated in sequential order.

Philip Bruno (Exclusive Fresh, Inc., Owner) Appeal by Michael McCracken

P.1-1

Finding No. 1 incorrectly concludes that the applicant's parcel's location, size, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity.

The project site is located at the corner of Harvard Avenue and Airport Street in the unincorporated Princeton area. The minimum building site in the Waterfront (W) District is 5,000 sq. ft. The County had previously described the project site as being comprised of two adjacent, flat, and rectangular shaped parcels totaling 11,705 sq. ft. in size with each parcel being a minimum of 5,000 sq. ft. However, staff has identified a lot line adjustment recorded in 1996 to create an "L" shaped

configuration of the corner parcel (165 Airport Street); the lot line adjustment was to alleviate the need for a variance to exceed lot coverage (which at the time, staff had determined that three of the five variance findings could not be made) to add to the rear of the subject warehouse (constructed at 165 Airport Street, corner parcel). Therefore, 1,036 sq. ft. of land was transferred from the rear of the adjacent parcel at 175 Airport Street. Nonetheless, the business spans across both parcels, which together form a standard rectangular shaped project site. Separately and combined, the (two) subject parcels are at the maximum allowed (60%) lot coverage in the Waterfront (W) District.

Furthermore, surrounding parcels within the vicinity are of similar shape, size, and topography. Therefore, staff does not conclude that the parcel's size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the vicinity. Furthermore, the applicant has not provided any new documentation or evidence to support his objection to this finding.

P.1-2

Finding No. 2 incorrectly concludes that without the variance, the landowner would not be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.

The Princeton area is comprised of a mix of commercial and industrial uses with some residential uses interspersed. The existing seafood processing plant is a principally permitted use within the Waterfront (W) Zoning District. The applicant has indicated that the crab-processing component of the business is a vital part of the overall success of the seafood processing plant. The applicant further asserts that the outdoor space is needed to accommodate the live crab tanks and related equipment, as there is no additional room for this activity within the existing warehouse. However, the applicant has not provided any evidence, aside from his statements, to support a finding that, without the variance to exceed lot coverage, the applicant could not still operate the seafood processing plant, or that the property could not still accommodate a principally permitted use. Furthermore, the applicant has not provided any new documentation or evidence to support his objection to this finding.

P.1-3

Finding No. 3 incorrectly concludes that issuance of a variance would grant the landowner a special privilege, which is inconsistent with the restrictions placed on other landowners in the same zoning district or vicinity.

Staff has researched surrounding developed sites within the Princeton area and confirmed that existing surrounding development complies with the lot coverage restriction of the Waterfront Zoning District.¹ Therefore, this finding in staff's view should not be made, as the variance would allow a privilege inconsistent with

¹ Any unknown developed sites in the area that do not comply with the Zoning Regulations would not create an entitlement to a variance for the project site.

restrictions placed on other parcels in the area. Furthermore, the applicant has not provided any new documentation or evidence to support his objection to this finding.

P.1-4

Paragraph 5 of the "INTERIM OPERATION CONDITIONS OF APPROVAL FOR USE PERMIT RENEWAL, PLN 2001-00553," improperly and without legal basis requires the applicant/appellant to, within thirty (30) days of final approval, apply for and be issued a demolition permit to remove the rear structure of his commercial operation housing and protecting his crab cooking operation, or, alternatively, to purchase adjacent property of sufficient size to satisfy all County lot coverage requirements.

The applicant applied for a variance to exceed lot coverage in an attempt to address the outstanding Information Stop Work Notice (SWN 2000-00149) issued on October 12, 2000. The Planning Commission was unable to make three of the five variance findings and therefore denied the variance request to exceed lot coverage, which would have allowed the applicant to pursue legalizing the unpermitted structure with the Building Inspection Section. As a result, Interim Operating Condition No. 5 (see Attachment A) was approved by the Planning Commission to address removal of the structure to address the outstanding Stop Work Notice on file with the Building Inspection Section.

According to Section 9025 of the San Mateo County Building Code Ordinance, "No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the County, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official." Furthermore, Sections 9015 and 9041 of the Building Code Ordinance establish violation fees and penalties that may be incurred by an applicant upon failure to address a Stop Work Notice in a timely manner.

The applicant has indicated that he is actively pursuing the purchase of adjacent property to alleviate exceeding the maximum allowed lot coverage, thus allowing him to pursue legalizing (i.e., obtain a building permit) the unpermitted roof structure. Interim Operating Condition No. 5 requires the applicant to provide verification to the Planning Department that the purchase of adjacent property (of adequate size to comply with lot coverage requirements) has been completed or demolish the structure.

P.1-5

In rendering the decision set forth above in paragraph 5, the Commission failed to acknowledge a highly relevant, and, for this application, critical fact: namely, that the crab cooking structure is required by both the Federal (NOAA) and State (Department of Public Health, Food and Drug Branch) agencies regulating the applicant's seafood processing operation.

The applicant has stated that the roof structure was installed to comply with the Food and Drug Administration (FDA) requirement for outdoor food processing areas, which was previously acknowledged in the Planning Commission's January 12, 2011 staff report. Nevertheless, Planning staff and County Counsel have concluded that the FDA requirement does not exempt the applicant from County Building and Zoning regulatory requirements. Nor does the fact that the roof structure is required by the State provide justification in making the required variance findings.

Julian McCurrach Appeal by Gregory Antone

P.2-1

The June 20, 2011 letter of decision makes it clear that Mr. Bruno has been denied any Variance or Coastal Development Permit Exemption. Yet it appears he is being granted two (2) more years [he already has had one (1) year] to operate his business illegally in a building without permits, and using a number of employees in excess of density allowances. There is no legal authority to grant or authorize such illegal "interim" use. "Interim" to what? He is even allowed to apply to extend such illegal use. No other person in the County is granted such special treatment. This is blatant, illegal, selective law enforcement.

The Planning Commission's decision to hold the use permit renewal in abeyance for an interim period of two (2) years subject to interim operating conditions while updates to the Airport Land Use Compatibility Plan and County Zoning Regulations are being processed is within the Planning Commission's authority as the decision maker for such permit applications, subject to Section 6503 of the San Mateo County Zoning Regulations. The Planning Commission's decision was based on the evidence provided at multiple hearings regarding the subject business operation and zoning conflict (i.e., limitation of people per site). The interim operating conditions were set to provide parameters for the operation while updates to the Airport Land Use Compatibility Plan for the Half Moon Bay Airport and County Zoning Regulations are being processed that could affect the applicability of the people per site limitation of the Airport Overlay District, which was last updated in 1990.

Furthermore, use of the site as a wholesale seafood processing plant was approved in 1987 (and 1994 for the adjacent parcel). Although the use permit expired on November 6, 2002, the County has not revoked the use permit, which would require approval by the Planning Commission per Section 6505 of the County Zoning Regulations. The applicant submitted an application for renewal on January 27, 2010, following notification from the County of the expired use permit. The County's practice is to allow an applicant the opportunity to renew a use permit upon recognizing that a use permit has expired and that the use is still ongoing. Provided there is a current application for renewal being processed, the County allows the use to continue until such time that a formal decision of approval or denial is rendered on the renewal application.

Except for the identified unpermitted roof structure at the rear northwest corner of the project site, the existing warehouse was constructed with permits. Additionally, the Variance and Coastal Development Permit Exemption application was denied by the Planning Commission; therefore, the applicant is required to remove the unpermitted roof structure (Interim Operating Condition No. 5), within a specified timeframe which commences upon “final approval” (after all appeals have been processed) on the application, unless the Board of Supervisors take action otherwise.

P.2-2

There is no authority to allow employee density in excess of existing rules, regulations and guidelines, even if studies are underway that “might” change the densities. As it is the stench prevents legally permitted uses of neighboring properties ruining their value.

The Planning Commission’s decision to hold the number of people on-site in abeyance (i.e., suspending the number of people on-site to current identified occupancy limits) is within the Planning Commission’s authority as the decision-making body for use permit applications, pursuant to Section 6503 of the San Mateo County Zoning Regulations.

Additionally, the “stench” described in previous testimony from the appellant is due to the outdoor cooking of crab conducted under the (unpermitted) roof structure. The Waterfront (W) Zoning Regulations do include a performance standard for odors (“No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the ‘Waterfront’ District”). Staff has visited the site several times during the course of processing the subject applications and has not been able to detect any odors emitted from the business site that violate the Waterfront Zoning District standard. However, the standard is subjective, making it difficult to determine and enforce. In addition, the project site’s location near the harbor adds difficulty in determining a violation of this performance standard.

The appellant’s attorney, Mr. Gregory Antone, submitted a letter dated June 22, 2011 (see Attachment P.2[a]) as an attachment to the Application for Appeal requesting clarification of Interim Operating Conditions set forth in the Planning Commission’s letter of decision dated June 20, 2011. Upon review of Mr. Antone’s letter, and consultation with County Counsel, staff issued a response letter on July 15, 2011 (see Attachment P.2[b]) addressing Mr. Antone’s request for clarifications.

B. COMPLIANCE WITH CONDITIONS OF LAST APPROVAL

Indicated below are the conditions of approval from the last use permit approval letter, dated November 6, 1997. Following each condition is staff’s analysis as to whether the applicant has complied with the condition and whether it should be

retained and/or modified. Required conditions of approval are included in Attachment A.

Environmental Health Division

1. The applicant shall obtain a permit from the California Food and Drug Branch, District 21; Carl Costella, Supervisor; 185 Berry Street, Suite 260, San Francisco, California, 94107-1724; 650/904-9738.

Compliance with Condition? Yes, confirmation from the California Department of Public Health, Food and Drug Branch indicates that the subject business has a valid State Health Permit.

Recommend to Retain Condition? Yes, but modified to require the applicant to maintain a valid permit from the California Department of Public Health, Food and Drug Branch. If the required permit is ever revoked, the applicant shall inform the Current Planning Section of revocation within ten (10) business days of receiving notice of such revocation.

Planning Division

2. The applicant shall replace the dead tree located on the side of the building fronting Princeton Avenue.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, but modified to require continual maintenance and replacement, as necessary, of the existing four trees along Harvard Avenue and two trees along Airport Street.

3. This permit shall be combined with USE 94-0012 for inspection and renewal purposes, since both properties together operate as one unit. This combined permit shall expire five years from the date of approval of this permit. There shall be two administrative reviews. These reviews shall occur prior to November 6, 1998 and November 6, 2000. The applicant shall apply for renewal six months prior to the expiration on November 6, 2002. This schedule shall supersede the renewal and inspection schedule approved for USE 94-0012. All conditions from USE 94-0012 as well as the current conditions for USE 86-18 shall be met throughout the duration of this permit.

Compliance with Condition? No, the use permit expired on November 6, 2002. The applicant submitted an application for renewal on January 27, 2010, following notification from the County of the expired use permit.

Recommend to Retain Condition? Yes, with modifications since the separate use permits, USE 94-0012 for 165 Airport Street and UP 86-18 for 175 Airport Street, have been combined under PLN 2001-00553. Also, to require that the

recommended interim operating conditions be valid for two (2) years from final approval and that annual administrative reviews be required for compliance with the recommended interim operating conditions. If the County finds that the use is not in compliance with the interim operating conditions, the applicant shall have thirty (30) days to comply with the terms of the interim operating conditions or apply for a use permit amendment, including payment of all applicable fees.

4. No more than three people may be scheduled to work on the site at one time, per Airport Overlay Zoning Regulations.

Compliance with Condition? No, the current operation exceeds three people working on-site at any one time.

Recommend to Retain Condition? No, the Planning Commission's action to hold the use permit renewal in abeyance and adopt Interim Operating Conditions included Interim Operating Condition No. 8 to hold the number of people allowed on-site at any one time to the same occupancy limits as currently identified by the business's daily work schedule.

5. Garbage and debris shall not be stored in the front of the property.

Compliance with Condition? No, the garbage dumpsters were last approved at the southwest corner of the building, along Harvard Avenue; however, two garbage bins are located at the front northeast corner of the building, along Airport Street.

Recommend to Retain Condition? No, this condition shall be replaced with a condition that allows the garbage dumpsters to be located along Airport Street to best serve the business, but to be screened by a six (6) foot high fence/gate during non-business hours to reduce visual impacts.

C. KEY ISSUES OF USE PERMIT

1. Waterfront/Airport Overlay Zoning District

The Waterfront (W) Zoning District was intended as a "working waterfront" area for the location of marine-related trades and services and manufacturing uses that support commercial fishing and recreational boating activities. In order to protect and maintain the characteristics of a working waterfront, the district permits priority land uses such as marine-related industrial and commercial uses and restricts incompatible land uses that would conflict with the characteristics of a working waterfront.

Additionally, areas around airports are exposed to the possibility of aircraft accidents. Therefore, the Airport Overlay (AO) District was established to provide a margin of safety at both ends (Princeton and Moss Beach) of the

nearby Half Moon Bay Airport runways by limiting the concentration of people where hazards from aircraft are considered to be the greatest. The subject parcels are located in the Airport Overlay (AO) District. A background report on the Half Moon Bay Airport and Airport Overlay District is included as Attachment L for reference purposes.

The AO District, and previously approved Use Permit Condition of Approval No. 4, limits the project site to a maximum of three persons at any one time. The current business employs 28 people, with more than three persons on-site during any given business hour (see Attachment F). A majority of the employees are on-site during the early morning hours with staff decreasing throughout the late morning to early afternoon. This schedule accommodates early morning processing and delivery truck loading activities with clean up and office work activities (which require less employees) conducted during the afternoons. Furthermore, in accordance with County Policy (Attachment J), a "site" in the AO District is considered to be 5,000 sq. ft. in size. The wholesale seafood processing plant is located on 11,705 sq. ft. of land area; thus, a total of seven (7) people may occupy the site at any one time.²

Through several public hearings, the Planning Commission considered the basis of the existing AO Zoning District people per site limitation, process and standards for modifying the current people per site limitation in the AO Regulations, Airport Land Use Commission (C/CAG Board) status and timeframe for updating the Comprehensive Airport Land Use Compatibility Plan (CLUP) governing the Half Moon Bay Airport and opportunity for the County to coordinate a comprehensive update to the Zoning Regulations that could address all airport related issues, including but not limited to, review of the AO District for modifications to the people per site limitation, process for granting a Temporary Use Permit in anticipation of a CLUP update and County update to the Zoning Regulations, option of approving an increased people per site limit for the subject operation based on the daily work hour schedule, and their final decision to hold the use permit renewal in abeyance, including holding the number of people allowed on-site in abeyance to allow the business to continue operating at the current identified site occupancy limits (see Attachment F), for an interim period of two (2) years while the CLUP and subsequent, or concurrent, County Zoning Regulations are being updated, subject to the Interim Operating Conditions in Attachment A. The Planning Commission's consideration process included a referral and response from the Airport Land Use Committee regarding the people per site limit matter (see Attachment M).

Currently, the Airport Land Use Commission (C/CAG Board) has been allocated funding from the State to update the Airport Land Use Compatibility Plan (ALUCP) for the environs of the Half Moon Bay Airport. Additionally, CalTrans is preparing an update to the 2002 California Airport Land Use

² The County's practice would be to count any fractional/remaining portions. Therefore, the additional lot area over 10,000 sq. ft. would allow one additional person.

Planning Handbook for the Half Moon Bay Airport and the County Department of Public Works intends on pursuing an FAA funded update to the Airport Layout Plan and Narrative Report for the Half Moon Bay Airport. The County would subsequently, or concurrently, be required by State law to review and update the County's Zoning Regulations to be consistent with the policies of the Half Moon Bay Airport ALUCP. It is understood that the anticipated ALUCP updates will include review of safety operations, compatibility, and concentrations of people around the Half Moon Bay Airport. Thus, the ALUCP updates could require the County to amend applicable Zoning Regulations affecting the Waterfront (W) Zoning District and/or Airport Overlay (AO) District. The AO District is applicable at both ends of the Half Moon Bay Airport (i.e., Princeton area and Moss Beach area).

2. Stormwater and Wastewater

Several concerns have been raised about stormwater runoff and drainage from the project site. Upon further review of the drainage plan submitted by the applicant (Attachment E), the site and building areas are connected to the sanitary sewer system. During dry operating hours, exterior and interior catch basins and trench drains filter wastewater through bulk strainers and then through fine strainers before discharging into the sanitary sewer system. However, during periods of rainfall, exterior sump pumps are turned off to prevent stormwater from entering the sanitary sewer system.

In accordance with Section A.1 of the County's Municipal Regional Stormwater NPDES Permit, only stormwater shall be discharged to the (County) storm drain system. As mentioned, during rainfall events exterior sump pumps are turned off causing concern that any site wastewater and debris from the business operation that may discharge outside of the building flows into the nearby County storm drain systems.

To address this concern, the applicant has implemented new clean up procedures (see Attachment G), which require all debris to be contained inside the building and disposed of in waste bins and/or washed to interior sump pumps and filters. Additionally, left over packing ice is being disposed of within the building and not left outside of the building since the areas within the building are connected to drains that connect to the sanitary sewer system. This prevents packing ice from being left in front of the building to melt and potentially mix with stormwater, and/or intrude into the County storm drain systems.

The new procedures have been distributed to staff supervisors for implementation. In addition, a condition of approval has been included to require all employees (existing and future) be properly trained to comply with these daily clean up rules/instructions and that these rules be posted in plain sight within the building at all times and in a format that is legible to any employee for reference.

In addition, the applicant will be required (Interim Operating Condition No. 14) to install a 6-inch concrete curb or solid wall along the west and north perimeter of his property lines to prevent any water or debris from spilling over onto adjacent private property. As a temporary measure, while pursuing the purchase of adjacent property (which would modify the perimeters of the property), the owner has placed sandbags wrapped in tarp around the (interior) perimeter property lines to meet the intent of the Interim Operating Condition.

Additionally, upon review of the project site (including both existing development and potential “new” development [should the Board of Supervisors overturn the Planning Commission’s denial of the variance and the applicant legalizes the unpermitted roof structure]), the County’s Municipal Regional Stormwater NPDES Permit “C.3 New Development and Redevelopment” requirements are not applicable as the project does not create and/or replace 10,000 sq. ft. or more of impervious surface area.

3. Noise

The County Environmental Health Division regulates noise levels in the unincorporated areas of San Mateo County. A field inspection to measure the noise levels associated with the seafood processing plant was conducted by an Environmental Health Division Inspector on Tuesday, September 21, 2010 from 8:15 a.m. – 8:45 a.m. Several testing points around the site, along both Airport Street and Harvard Avenue, were measured, along with the noise levels of the delivery trucks. The tests resulted in a measured noise level range from 30 dBA to 50 dBA, with no noise measurement exceeding 80 dBA at any moment during the 30-minute timeframe.

The Environmental Health Division uses two sound level meters when measuring noise. Furthermore, there are two types of measurements that can be taken (slow or fast) depending on the type of noise being measured. A slow noise measurement is used for regular, still noises such as noise generated from a building. A fast noise measurement is used to measure moving noise, such as noise generated from passing traffic. All noise level measurements at the project site were conducted as slow tests with one fast test conducted at the loading garage along Airport Street for the delivery/loading trucks.

The criteria for measuring noise is set forth in Section 4.88.320 (Procedures) of the County Ordinance Code and is as follows:

- a. Noise measurements shall be taken with a sound level meter that meets the following definition:

“An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels which meets the American National Standards

Institute's Standard S1.4-1971 for Type 1 and Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data."

The Environmental Health Division has confirmed that both sound level meters used for measuring noise meet this definition.

- b. Calibration of the measurement equipment utilizing an acoustic calibrator shall be performed immediately prior to recording any noise data.

The Environmental Health Division has confirmed that both sound level meters are calibrated. One of the meters is calibrated every other year. The second meter includes the equipment to calibrate the machine, which was done by the inspector prior to testing at the project site.

- c. A windscreen shall be used on the sound level meter for all sound measurements. No external measurements shall be made during precipitation, or if wind speed exceeds 12 mph.

The Environmental Health Division has confirmed that testing was conducted in accordance with this criterion.

- d. Exterior noise levels shall be measured within 50 feet of the affected residence, school, hospital, church, and public library, but in no case beyond the property line.

While the project site use is not defined under this criterion, the Environmental Health Division has confirmed that testing was done within 50 feet of the subject operation.

- e. Interior noise levels shall be measured within the affected dwelling unit at a point at least 4 feet from the wall, ceiling, or floor nearest the noise source.

Interior noise levels were not measured, as the noise concern raised for this site is limited to exterior noise.

Based on the above analysis, the noise level measurements taken by the Environmental Health Division for the site comply with the criteria set forth in the County Ordinance Code for measuring noise. Furthermore, the test results show an overall compliance with the Waterfront Zoning District in that no noise measurement exceeded 80 dBA at any moment during the 30-minute timeframe.

4. Odor and Parking

Odor: Performance standards for the Waterfront Zoning District are identified in the Waterfront District Regulations and include the following standard for odor:

Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the "Waterfront" District.

The above standard is subjective, making it difficult to determine and enforce. Staff has been out to the project area several times and not been able to identify any odors emitted from the business site that violate the Waterfront Zoning District standard. However, the project site's location near the harbor and schedule of various business activities should be noted as factors that would make the detection of a violation of the above performance standard difficult.

Parking: Concerns have been raised over delivery truck parking in the street right-of-ways along Harvard Avenue and/or Airport Street. The site currently has two roll up delivery bay doors along Harvard Avenue and two roll up bay doors along Airport Street, with a separate roll up door at the front corner of the building. While these on-site areas would allow room for outside delivery trucks, predominantly out of the street right-of-way, there are periods of time during the day when the business's own delivery trucks are loading/unloading at these bays, filling up on-site parking areas along Harvard Avenue and Airport Street. During these times, on-site parking areas are limited and outside delivery trucks may resort to parking in the right-of-ways. All delivery trucks associated to the business are required to park out of the street right-of-ways. Therefore, the applicant will be required to ensure that all delivery trucks associated with the business are scheduled and managed appropriately to ensure that on-site accommodations are provided.

D. VARIANCE AND COASTAL DEVELOPMENT EXEMPTION

An Information Stop Work Notice (SWN 2000-00149) was issued on October 12, 2000 by the Building Inspection Section for the construction of a roof structure at the rear northwest corner of the building without the benefit of a building permit. The roof structure was never removed and is currently still in place. Planning staff identified the outstanding Stop Work Notice and the structure upon initial review and site inspection of the use permit renewal application submitted on January 27, 2010.

The Waterfront (W) Zoning District regulations allow a maximum of 60% lot coverage. The project site has an existing lot coverage (excluding the unpermitted roof structure) of 59.97%. Legalizing the unpermitted roof structure would increase the site's lot coverage to 70.17%. Thus, the applicant submitted a Variance and Coastal Development Permit Exemption application on August 13, 2010, to exceed

lot coverage to allow the unpermitted roof structure to be legalized. Upon staff's analysis of the variance request, it was determined that three of the five required variance findings could not be made based on the site specific project conditions. Therefore, the Planning Commission upheld staff's recommendation to deny the variance request.

Required Variance Findings

In order to approve the variance, the following findings must be made:

- 1. That the parcel's location, size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity.**

The project site is located at the corner of Harvard Avenue and Airport Street in the unincorporated Princeton area. The minimum building site in the Waterfront (W) District is 5,000 sq. ft. The County had previously described the project site as being comprised of two adjacent, flat, and rectangular shaped parcels totaling 11,705 sq. ft. in size with each parcel being a minimum of 5,000 sq. ft. However, staff has identified a lot line adjustment recorded in 1996 to create an "L" shaped configuration of the corner parcel (165 Airport Street); the lot line adjustment was to alleviate the need for a variance to exceed lot coverage (which at the time, staff had determined that three of the five variance findings could not be made) to add to the rear of the subject warehouse (constructed at 165 Airport Street, corner parcel). Therefore, 1,036 sq. ft. of land was transferred from the rear of the adjacent parcel at 175 Airport Street. Nonetheless, the business spans across both parcels, which together form a standard rectangular shaped project site. Separately and combined, the (two) subject parcels are at the maximum allowed (60%) lot coverage in the Waterfront (W) District. Furthermore, surrounding parcels within the vicinity are of similar shape, size, and topography. Therefore, staff does not conclude that the parcel's size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the vicinity. Furthermore, the applicant has not provided any new documentation or evidence to support his objection to this finding.

- 2. That without the variance, the landowner would be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.**

The Princeton area is comprised of a mix of commercial and industrial uses with some residential uses interspersed. The existing seafood processing plant is a principally permitted use within the Waterfront Zoning District. The applicant has indicated that the crab-processing component of the business is a vital part of the overall success of the seafood processing plant. The applicant further asserts that the outdoor space is needed to accommodate the live crab tanks and related equipment, as there is no additional room for

this activity within the existing warehouse. However, the applicant has not provided any evidence, aside from his statements, to support a finding that, without the variance, the applicant could not still operate the seafood processing plant. Furthermore, the applicant has not provided any new documentation or evidence to support his objection to this finding.

3. That the variance does not grant the landowner a special privilege, which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity.

A variance is being requested for an exception to the maximum lot coverage allowed in the Waterfront Zoning District. Staff has researched surrounding developed sites within the Princeton area and confirmed that existing surrounding development complies with the lot coverage restriction of the Waterfront Zoning District.³ Therefore, this finding in staff's view should not be made, as the variance would allow a privilege inconsistent with restrictions placed on other parcels in the area. Furthermore, the applicant has not provided any new documentation or evidence to support his objection to this finding.

4. That the variance authorizes only uses or activities which are permitted by the zoning district.

The Waterfront Zoning District was intended as a "working waterfront" area for the location of marine-related trades and services and manufacturing uses that support commercial fishing and recreational boating activities. In order to protect and maintain the characteristics of a working waterfront, the district permits priority land uses such as marine-related industrial and commercial uses and restricts incompatible land uses that would conflict with the characteristics of a working waterfront. The existing use of the site as a wholesale seafood processing plant is a principally permitted land use in the Waterfront District. Furthermore, the Airport Overlay (AO) District regulations require a use permit for all uses within the AO boundary area.

The variance request is to legalize a 24'-9" x 48'-3" roof structure over an outdoor crab processing area that was installed to comply with FDA regulations. The use as a crab processing area is a function of the primary seafood processing plant, and thus considered part of the principally permitted land use. Thus, the variance would only authorize an activity associated to the principally permitted use within the W/AO Zoning District.

5. That the variance is consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations.

³ Any unknown developed sites in the area that do not comply with the Zoning Regulations would not create an entitlement to a variance for the project site.

Legalization of the unpermitted roof structure would otherwise be consistent with the objectives of the General Plan, the Local Coastal Program, and the Zoning Regulations.

General Plan

Policy 4.15 (*Supplemental Design Guidelines for Communities*) relies on supplemental site and architectural design guidelines for communities that include criteria that reflect local conditions, characteristics and design objectives. Since the project site is not located in an R-1 Zone District, the project site is not subject to design review by the Coastsides Design Review Committee. However, design review for the Princeton area is guided by the Local Coastal Program.

Local Coastal Program

The project site is within the Coastal Zone and the applicant has submitted an application for a Coastal Development Permit Exemption for the roof structure in conjunction with the variance request. However, in compliance with Section 6328.5(b) of the Zoning Regulations, the roof structure would require a Coastal Development Permit, appealable to the California Coastal Commission, as the project site is located between the sea and the first public road paralleling the sea; the roof structure increases internal floor area by more than 10%; and increases the intensity of use of the existing structure. The Coastal Development Permit is subject to review against the applicable Local Coastal Program Policies. Staff has determined that the project complies with all applicable Local Coastal Program (LCP) policies, specifically:

Policy 8.13.b (*Special Design Guidelines for Coastal Communities*) requires that structures be designed to reflect the nautical character of the harbor setting and employ subdued or natural/sea colors to blend with the natural environment and adjacent development. The 1,194 sq. ft. roof structure includes a steel framed truss system with clear acrylic roof panels. The structure is located at the rear northwest corner of the site, adjacent to the seafood warehouse, and is 20 feet in height. The roof structure blends with the scale and character of existing development within the surrounding neighborhood, which is comprised of commercial and industrial uses. Furthermore, the roof structure is located at the interior rear corner of the site, behind the existing warehouse building.

Zoning Regulations

The project is located in the Waterfront Zoning District and has been reviewed against the following development standards:

Development Standard	Required	Existing	Proposed
Building Site	5,000 sq. ft.	11,705 sq. ft.*	No change
Building Height	36 ft.	30 ft.	20 ft.
Lot Coverage	60%	59.97%	70.17%**
*Total site area of combined parcels (APNs 047-031-340 and 047-031-210).			
**Variance request to exceed lot coverage.			

E. REVIEWING AGENCIES

Building Inspection Section
 Department of Public Works
 Airport Land Use Committee
 State Department of Public Health, Food and Drug Branch
 Granada Sanitary District
 Coastside County Water District
 Recology of the Coast (formerly Seacoast Disposal)
 Department of Fish and Game
 California Coastal Commission
 Midcoast Community Council
 Princeton Citizens Advisory Committee
 Princeton-by-the-Sea Homeowners Association

County Counsel has reviewed and approved the materials as to form and content.

Allowing the wholesale seafood processing business to continue operating under Interim Operating Conditions for a two (2) year period of time while updates to the plans and regulations (State and County) that govern the environs of the Half Moon Bay Airport and surrounding area are being completed contributes to the 2025 Shared Vision outcome of a Livable Community by providing local employment opportunities for the Coastside community, resulting in economic and social benefits to the residents in the area, while allowing the County to set enforceable parameters on the business operation.

FISCAL IMPACT:

There is no Net County Cost associated with these appeals. Upholding the Planning Commission's decision will allow the business to continue operating, thereby resulting in the continued generation of property tax and business revenue. Additionally, the business supports and contributes to the Coastside economy by providing trade and employment opportunity to the local vicinity and greater Bay Area it serves.

ATTACHMENTS:

- A. Recommended Findings and Interim Operating Conditions
- B. Vicinity/Zoning Map
- C. Site Plan
- D. Elevations
- E. Drainage Plan

- F. Work Schedule
- G. Clean Up Procedures
- H. Waterfront (W) Zoning District Regulations
- I. Airport Overlay (AO) Zoning District Regulations
- J. County Policy for Airport Overlay (AO) Density
- K. Decision Letter with Conditions of Approval, dated November 6, 1997
- L. Memorandum of Airport Overlay Background Report, dated September 22, 2010
- M. C/CAG Airport Land Use Committee Response Letter, dated April 7, 2011
 - 1. County of San Mateo Planning and Building Department Memo to David Carbone, Transportation Systems Coordinator, from Summer Burlison, Project Planner, dated February 8, 2011, re: ALUC Agenda Request for February 24, 2011
 - 2. County of San Mateo Planning and Building Department Memo to David Carbone, Transportation Systems Coordinator, from Summer Burlison, Project Planner, dated February 10, 2011, re: Report Addendum to ALUC Agenda Request for February 24, 2011
- N. Planning Commission Staff Report, dated June 8, 2011
- O. Planning Commission Decision Letter, dated June 20, 2011
- P. Appeals
 - 1. Philip Bruno (by Michael McCracken)
 - 2. Julian McCurrach (by Gregory Antone)
 - a. Letter from Gregory Antone, dated June 22, 2011
 - b. County Response Letter to Gregory Antone, dated July 15, 2011
- Q. Letter to Board of Supervisors from Julian McCurrach, dated July 20, 2011
- R. Project Site/Permit Processing Chronology

ALL PLANNING COMMISSION STAFF REPORTS ARE AVAILABLE UPON REQUEST.

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS AND
INTERIM OPERATING CONDITIONS OF APPROVAL**

Permit File Nos.: PLN 2001-00553 and
PLN 2010-00250

Board Meeting Date: November 15, 2011

Prepared By: Summer Burlison, Project
Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS FOR DENIAL OF VARIANCE AND COASTAL
DEVELOPMENT PERMIT EXEMPTION, PLN 2010-00250:**

1. That the parcel's location, size, shape, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity. The project site spans across two parcels, which together form a flat, rectangular shaped project site (11,705 sq. ft. in size) with each parcel being a minimum of 5,000 sq. ft. The minimum building site in the Waterfront (W) District is 5,000 sq. ft. Both separately and cumulatively, the subject site meets the minimum required lot size. Furthermore, surrounding parcels within the vicinity are of similar shape, size, and topography.
2. That without the variance, the landowner would not be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity. The Princeton area is comprised of a mix of commercial and industrial uses with some residential uses interspersed. The existing seafood processing plant is a principally permitted use within the Waterfront Zoning District. Without the variance to exceed lot coverage, the property could still accommodate a principally permitted use.
3. That the variance would grant the landowner a special privilege, which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity. Staff has researched surrounding developed sites within the Princeton area and confirmed that existing surrounding development complies with the lot coverage restriction of the Waterfront Zoning District. Furthermore, any unknown developed sites in the area that do not comply with the Zoning Regulations would not create an entitlement to a variance for the project site.

**RECOMMENDED INTERIM OPERATING CONDITIONS OF APPROVAL FOR USE
PERMIT RENEWAL, PLN 2001-00553:**
Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Board of Supervisors on November 15, 2011. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director.
2. The Interim Operating Conditions shall be valid for two (2) years from final approval. The applicant shall apply for an extension of time to continue operating under these Interim Operating Conditions and pay applicable permit extension fees six (6) months prior to expiration of final approval, on June 22, 2013, if continuation of this use is desired, or apply for a new use permit within thirty (30) days of final approval of any County Zoning Regulations amendment(s) to the Waterfront (W) District and/or Airport Overlay (AO) District, whichever occurs first. The use (and maximum allowed site occupancy) would then be subject to the zoning regulations in effect at that time.
3. There shall be an annual administrative review with the payment of applicable fees, for compliance with these conditions of approval. If the County finds that the use is not in compliance with the conditions of approval, the applicant shall have thirty (30) days to comply with the terms of the approved Interim Operating Conditions or apply for an amendment to the Interim Operating Conditions, including payment of any applicable amendment fees. Failure to comply with either action will result in the initiation of use permit revocation proceedings.
4. Any change in use or intensity shall require an amendment to the Interim Operating Conditions, including an application for amendment, payment of applicable fees, and consideration at a public hearing.
5. Within thirty (30) days of final approval, the applicant shall apply for, and be issued a demolition permit to remove the unpermitted rear roof structure. The unpermitted roof structure shall be completely removed and a final inspection completed within 120 days of final approval. Please contact the Building Inspection Section at 650/599-7311 to obtain information on applying for a demolition permit. Verification to the Planning Department that the purchase of adjacent property (of adequate size to comply with lot coverage) has been completed shall constitute compliance with this condition.
6. The applicant shall maintain a valid permit from the California Department of Public Health, Food and Drug Branch. If the required permit is ever revoked, the applicant shall inform the Current Planning Section of revocation within ten (10) business days of receiving notice of such revocation.

7. The applicant is responsible for providing continual maintenance and replacement, as necessary, of the existing four trees along Harvard Avenue and two trees along Airport Street.
8. The number of employees allowed on-site shall be held in abeyance to allow the business to continue operating with the same occupancy limits as currently identified by the business's daily work schedule, as indicated below:

<u>Monday – Friday</u>	
Time	Number of Employees On-Site
3:00 a.m.	11
4:00 a.m.	14 – 15
5:00 a.m. – 10:00 a.m.	22 – 23
10:00 a.m. – 1:00 p.m.	12
1:00 p.m. – varied close time	3 – 4

<u>Saturday</u>	
Time	Number of Employees On-Site
3:00 a.m.	11
4:00 a.m.	14 – 15
5:00 a.m. – 11:00 a.m.	22 – 23

<u>Sunday</u> – CLOSED

9. All garbage dumpster lids must remain closed when not in use to contain litter, odor, and prevent pollution and pests.
10. Garbage dumpsters shall be located behind the six (6) foot high fence/gate along Airport Street during non-business hours to reduce visual impacts.
11. All trash and debris on the site shall be picked up daily and disposed of in accordance with the business's Daily Clean Up Procedures dated May 18, 2011 outlined as followed:
 - a. All debris left from the day's work shall be contained inside the building, swept or scooped up, and disposed of in waste bins. When hosing down the inside area, spray toward the inside sumps and clear debris from filters and dispose of in waste bins.
 - b. Any debris found outside the building shall be swept up and disposed of in waste bins.

- c. All debris shall be scooped up before hosing any outside areas down. DO NOT hose any debris into the gutters in front or on the Harvard side of building or on to any neighboring properties.
 - d. All packing ice shall be disposed of within the building and shall not be left to melt outside of the building.
 - e. Supervisors shall check the area daily to ensure that all debris is disposed of properly, in accordance with the above-described procedures.
- 12. The Daily Clean Up Procedures dated May 18, 2011 shall be distributed to staff supervisors for implementation. It shall be the applicant's responsibility to ensure that all employees (existing and future) be properly trained to comply with these daily clean up rules.
 - 13. The Daily Clean Up Procedures shall be posted in plain sight within the building at all times and in a format that is legible to any employee for reference.
 - 14. Within thirty (30) days of final approval, the applicant shall apply for and be issued a building permit to construct a 6-inch concrete curb or solid wall along the west and north perimeter of the property line to prevent any water or debris from spilling over onto the adjacent property. The concrete curb or solid wall shall be constructed and a final inspection completed within ninety (90) days of building permit issuance. Please contact the Building Inspection Section at 650/599-7311 to obtain information on applying for a building permit.
 - 15. The applicant shall maintain the perimeter chain link fence with slats in good condition. Any damage to the fence shall be promptly repaired. All repairs shall match the appearance, materials, and workmanship of the fence as originally constructed.
 - 16. Odors detectable without instruments beyond the boundaries of the "Waterfront" District shall not be permitted.
 - 17. Noise levels from the site shall not exceed the noise standards from Section 6289.1 of the Waterfront (W) Zoning District.
 - 18. All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.
 - 19. Vibration from the site, perceptible without instruments on adjoining property, shall be prohibited except for temporary construction operations.
 - 20. It is the applicant's responsibility to ensure that any vehicle related to the business (including work vehicle, employee vehicle, customer or delivery vehicle) does not impede through traffic along any public right-of-way. Business-related vehicles shall be parked on authorized private property when parked for long periods.

21. It is the applicant's responsibility to ensure that all delivery trucks associated with the business are scheduled and managed in a manner such that on-site parking accommodations are available.

Department of Public Works

22. No washdown areas or facilities used for collecting waste associated with seafood processing shall be discharged to any storm drain system.

Granada Sanitary District

23. Any washdown areas or facilities used for collecting waste associated with seafood processing shall be reviewed and permitted by the Granada Sanitary District to discharge into the sanitary system.
24. The applicant will be required to comply with, or address, any comments or additional conditions received by the Granada Sanitary District regarding the District's pending review of stormwater and wastewater discharge at the project site. Any changes required by the Granada Sanitary District shall be reviewed and approved by the County Department of Public Works and Planning Department.

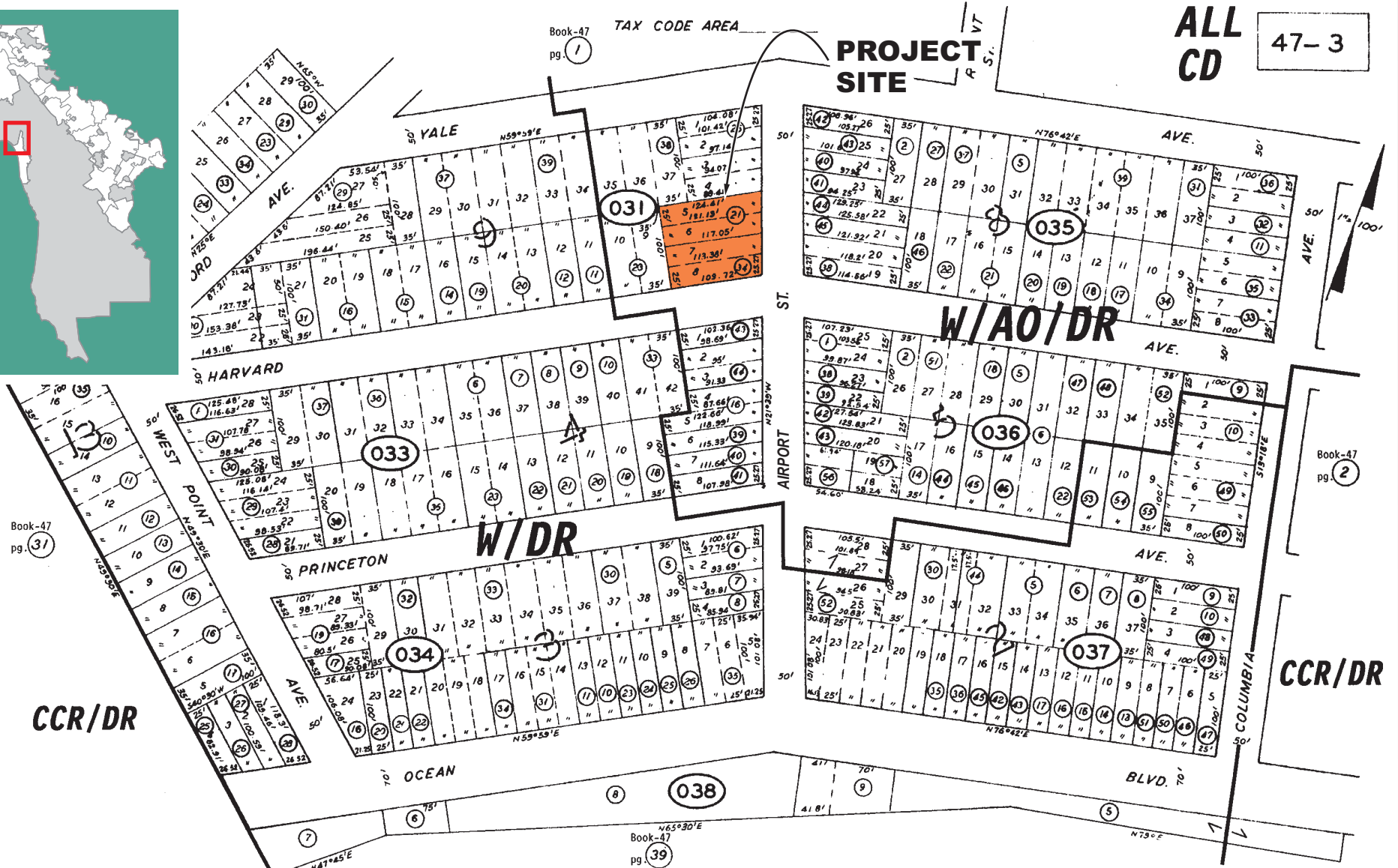
Coastside Fire Protection District

25. Five (5) year certification is required for fire sprinklers. Please contact the Coastside Fire Protection District at 650/726-5213 for further information.
26. Due to limited access, the building will require the installation of "Knox Boxes." These emergency key boxes are required when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes. The Fire Chief will determine the location for the key box and provide an authorized order form. All security gate systems controlling vehicular access shall be equipped with a "Knox"; key operated emergency entry device. The applicant shall contact the Fire Prevention Bureau at 650/726-5213 for specifications and approvals prior to installation.
27. Building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON-SITE.) The letters/numerals for permanent address numbers shall be 6 inches in height with a minimum 3/4-inch stroke and of a color that is contrasting with the background. Such letters/numbers shall be illuminated and facing the direction of access.
28. There must be a fire extinguisher for each 3,000 sq. ft., travel distance not to exceed 75 feet per Title 19, California Code of Regulations, with at least one required per floor. In addition, the kitchen area shall have a minimum of at least one 40-pound "K" rated fire extinguisher mounted in the path of egress.



County of San Mateo - Planning and Building Department

ATTACHMENT B



ALL CD 47-3

Location Map

16.1
Update 8/02

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **PHIL BRUNO**

Attachment: **B**

File Numbers: **PLN 2001-00553 & PLN 2010-00250**



County of San Mateo - Planning and Building Department

ATTACHMENT C



County of San Mateo - Planning and Building Department

ATTACHMENT D



County of San Mateo - Planning and Building Department

ATTACHMENT E



County of San Mateo - Planning and Building Department

ATTACHMENT F

Work Schedule

Monday - Friday	
Time	Number of employees on-site
3:00 a.m.	11
4:00 a.m.	14-15
5:00 a.m. – 10:00 a.m.	22-23
10:00 a.m. – 1:00 p.m.	12
1:00 p.m. – varied close time	3-4

Saturday	
Time	Number of employees on-site
3:00 a.m.	11
4:00 a.m.	14-15
5:00 a.m. – 11:00 a.m.	22-23

Sunday - CLOSED



County of San Mateo - Planning and Building Department

ATTACHMENT G



To: All Supervisors

From: Phil Bruno

Date: May 18, 2011

Beginning June 1, 2011 we will be implementing a new clean up procedure. Please instruct your crew to follow the instructions everyday when cleaning the facility as follows:

All debris left from the days' work shall be kept inside the building, swept or scooped up and disposed of in the waste bins. When hosing down the inside area, spray towards the inside sumps and clear debris from filters and dispose of in waste bins.

Any debris found outside the building shall be swept up and disposed of in waste bins. All debris shall be scooped up before hosing outside areas down. DO NOT hose any debris into the gutters in front or on the Harvard side of building or on to any neighboring properties.

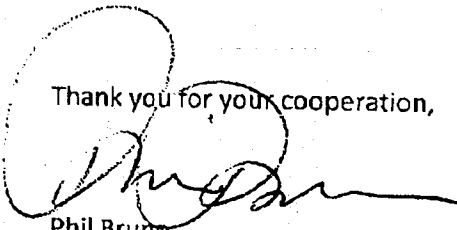
Additionally, all packing ice shall be disposed of within the building and shall not be left to melt outside of the building.

Supervisors shall check the area daily to insure that all debris is disposed of properly, in accordance with the above described procedures.

Failure to follow these instructions is considered an infraction and discipline notices will be issued.

For questions or comments please see me or Margie.

Thank you for your cooperation,



Phil Bruno



County of San Mateo - Planning and Building Department

ATTACHMENT H

CHAPTER 18.5. "W" DISTRICT **(WATERFRONT DISTRICT)**

SECTIONS:

- 6285.0. PURPOSE
- 6286.0. DEFINITIONS
- 6287.0. USES PERMITTED
- 6288.0. DEVELOPMENT STANDARDS
- 6289.1. PERFORMANCE STANDARDS
- 6289.2. ACCESSORY USES

SECTION 6285.0. PURPOSE. The purposes of the Waterfront District are to:

1. Provide a "working waterfront" area intended primarily for the location of marine related trades and services and manufacturing land uses that support commercial fishing and recreational boating activities.
2. Accommodate a compatible mix of recreational, resource management and waste management land uses.
3. Protect the functional and economic viability of the "working waterfront" area by restricting incompatible land uses.
4. Support and strengthen the Coastside economy by providing trade and employment opportunities.
5. Encourage architectural design and site planning that will, as much as possible, enhance the appearance of a "working waterfront."
6. Implement the policies of the San Mateo County General Plan, especially those concerning protection and development of coastal resources.

SECTION 6286.0. DEFINITIONS.

1. Aquaculture (6.05.10)

The cultivation and husbandry of aquatic organisms, including but not limited to fish, shellfish, mollusks, crustaceans, kelp and algae.

2. Aquacultural Processing Facilities (6.05.20)

Facilities for the processing, storing, packaging, and shipping of aquacultural products. Existing aquacultural processing facilities may be used for agricultural

processing as a subordinate activity. The facilities may sell aquacultural and/or agricultural products which are packaged or processed on the premises.

3. Boat Building, Repair, Sales and Support Establishments (2.04.10)

Commercial establishments primarily engaged in the assembly, repair, storage or sale of marine vessels and support services including, but not limited to, the sale of fuel.

4. Boat Launching and Docking Facilities (7.05.10)

Ocean or lakeside facilities for small pleasure craft with associated features including piers, docks and boat launch ramps.

5. Caretaker's Quarters (1.6.31)

An area within a building that is intended for residential use by a person(s) to look after the property on which the caretaker quarters are located. Caretaker's quarters may include kitchen facilities.

6. Extraction of Chemicals from Seawater by Natural Evaporation (6.07.40)

Solar evaporation ponds periodically flooded with seawater from which material or chemical precipitants are extracted and processed for sale and distribution.

7. Indoor Low to Moderate Impact Manufacturing (3.01.10)

Manufacturing operations including fabricating, assembly, processing, packaging and distribution of goods that are conducted entirely within an enclosed, covered building and that do not impact the surrounding environment beyond a moderate level as determined by a set of performance standards measuring noise, smoke, odor, fumes, vibration, heat and glare, visual impacts, fire and explosion hazard and hazardous waste generation.

8. Indoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.10)

Facilities and grounds which are primarily intended to provide space for the keeping of property, merchandise or equipment within one or more completely enclosed, covered structures, excluding extremely hazardous materials, as identified in the California Administrative Code.

9. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations:
(a) no more than four (4) dogs, or four (4) cats, or any combination of dogs and

cats not exceeding a total of four (4); and (b) no more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit, or per business establishment in commercial or industrial zoning districts. The number of fish, reptiles, birds or other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

10. Linear Parks and Trails (7.03.30)

Linear strips of land established for the purposes of walking, hiking, bicycling, horseback riding and boating, and comprising a natural or manmade linear resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

11. Marine Related Clubs, Schools and Administrative Offices (7.05.20)

Facilities used for marine activities including boat charters, boating clubs, sailing and marine skill schools, tour operators, and administration of small craft marinas.

12. Marine Research Facilities (2.06.70)

Structures or grounds housing laboratory facilities for the systematic observation and experimental investigation of marine or oceanic behavior, including research and test facilities of a low intensity nature. Marine research facilities shall not involve any activity associated with onshore facilities for offshore oil.

13. Other Compatible Uses (10.01.10)

Additional land uses may be allowed if the Planning Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

14. Outdoor Low to Moderate Impact Manufacturing (3.01.20)

Manufacturing operations including fabricating, assembly, processing, packaging and distribution of goods that are conducted partially or completely outside an enclosed, covered building and that do not impact the surrounding environment beyond a moderate level as determined by a set of performance standards measuring noise, smoke, odor, fumes, vibration, heat and glare, visual impacts, fire and explosion hazard and hazardous waste generation.

15. Outdoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.20)

Facilities and grounds which are primarily intended to provide space for the keeping of property, merchandise or equipment where all or some of such items are kept outside a completely enclosed, covered structure, excluding extremely hazardous materials, as identified in the California Administrative Code.

16. Parks (7.02.70)

Spacious areas of scenic and natural character where outdoor active recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which special natural areas, geologic exhibits or historic places can be set aside.

17. Parking Lots and Garages (2.08.10)

Public and private facilities which provide designated spaces for temporary storage of operable motor vehicles either in an open area or within a structure.

18. Recreation Areas (7.02.80)

Outdoor areas used for a variety of outdoor recreational purposes, including areas that will provide for public use of natural and manmade water features, as well as for special recreation activities.

19. Retail Marine Supply Stores (2.04.20)

Commercial establishments primarily engaged in sales to the general public of merchandise customarily used in connection with marine vessels and activities.

20. Sale of Freshly Caught Fish (2.04.50)

Commercial sale of freshly caught fish from either a boat, vehicle, or structure.

21. Shoreline Access (7.05.30)

Areas used for public access from a public road to and along the shoreline including vertical and lateral access as defined in the San Mateo County Local Coastal Program.

22. Shoreline Area

That area which includes those parcels adjacent to the shoreline, as designated on the Shoreline Area Map.

23. Small Solid Waste Collection Facilities (4.01.41)

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

24. Wholesale Marine Supply Stores (2.04.30)

Commercial establishments primarily engaged in bulk sales of merchandise associated with marine vessels or activities, generally for resale by other commercial dealers to the public.

SECTION 6287.0. USES PERMITTED.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*	
	SHORELINE AREA	INLAND AREA
A. <u>MARINE-RELATED TRADES AND SERVICES MODULE (TSW-7)</u>		
1. Boat Building, Repair, Sales and Support Establishments (2.04.10)	Use Permit	Use Permit
2. Retail Marine-Related Stores (2.04.20)	None	None
3. Wholesale Marine Supply Stores (2.04.30)	None	None
4. Sale of Freshly Caught Fish (2.04.50)	None	None
5. Caretaker's Quarters (1.06.31)	None	None
B. <u>LOW TO MODERATE IMPACT MANUFACTURING AND STORE MODULE (MFG-1)</u>		
1. Indoor Low to Moderate Impact Manufacturing (3.01.10)	Use Not Allowed	None
2. Outdoor Low to Moderate Impact Manufacturing (3.01.20)	Use Not Allowed	Use Permit

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*	
	SHORELINE AREA	INLAND AREA
3. Indoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.10) 4. Outdoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.20) 5. Marine Research Facilities (2.06.70)	Use Not Allowed Use Not Allowed Use Permit	None Use Permit Use Permit
C. <u>MARINE-RELATED RECREATION MODULE (REC-8)</u> 1. Boat Launching and Docking Facilities (7.05.10) 2. Marine-Related Clubs, Schools and Administrative Offices (7.05.20) 3. Recreation Areas (7.02.80) 4. Shoreline Access (7.05.30)	Use Permit None Use Permit None	Use Permit None Use Permit None
D. <u>AQUACULTURE MODULE (RMT-8)</u> 1. Aquaculture (6.05.10) 2. Aquacultural Processing Facilities (6.05.20)	None None	None None
E. <u>MINERAL EXTRACTION FROM SEAWATER MODULE (RMT-11)</u> Extraction of Chemicals from Seawater by Natural Evaporation (6.07.40)	Use Permit	Use Permit

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*	
	SHORELINE AREA	INLAND AREA
F. <u>PARKS MODULE (REC-2)</u> 1. Parks (7.02.70) 2. Linear Parks and Trails (7.03.30)	Use Permit None	Use Permit None
G. <u>NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES MODULE (WMT-1)</u> Small Solid Waste Collection Facilities (4.01.41)	None	None
H. <u>PARKING MODULE (TSW-12)</u> Parking Lots and Garages (2.08.10)	Use Not Allowed	None
I. <u>LIMITED KEEPING OF PETS MODULE</u> Limited Keeping of Pets	None	None
J. <u>OTHER COMPATIBLE USES MODULE (OCU-1)</u> Other Compatible Uses (10.01.10)	Use Permit	Use Permit

*Other permits may be required by a combining district, e.g., Coastal Development Permit or Design Review approval.

SECTION 6288.0. DEVELOPMENT STANDARDS. All new development must meet the following minimum standards:

1. Minimum Building Site. Each building site must have an area of not less than five thousand (5,000) sq. ft. and a width of not less than fifty (50) feet.
2. Building Height Limit. The maximum building height is thirty-six (36) feet, measured from finished grade to the highest point of the roof.

3. Lot Coverage. Not more than sixty (60) percent of the building site may be covered by buildings.
4. Outdoor Storage. The storage of miscellaneous materials, articles, equipment or scrap in support of a permitted use providing that the storage site is screened from view by a six (6) foot high solid wood, masonry or cyclone fence with wooden slats, dense landscaping, or a combination of fencing and landscaping materials.
5. Building Site Exception. Building sites which have a lot area less than five thousand (5,000) sq. ft., or width less than fifty (50) feet, may be developed, subject to the following findings and standards:
 - a. The parcel for which development is proposed was lawfully created in accordance with the applicable laws in effect when the land was divided.
 - b. The maximum building height shall be thirty (30) feet, measured from finished grade to the highest point of the roof.
 - c. Not more than fifty (50) percent of the building site shall be covered by buildings.
6. Landscaping. Landscaping must be provided in the following areas:
 - a. Parking Areas. In accordance with Section 6121(a) 1. and 4. of this Part.
 - b. Additional Landscaping Requirements. In certain cases, landscaping may be required as a condition of use permit approval in order to: (a) provide a buffer between dissimilar uses; (b) screen equipment or materials stored out of doors; or (c) enhance the appearance of buildings.
7. Loading. Where feasible, a loading bay for loading and unloading may be required on site in order to minimize traffic hazards and congestion on roadways.

SECTION 6289.1. PERFORMANCE STANDARDS. No use may be conducted in a manner which, in the determination of the Planning Director, does not meet the performance standards below. Measurement, observation, or other means of determination shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which exceeds the following sound levels more than thirty minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	More Than 30 Minutes In Any Hour	More Than 5 Minutes In Any Hour	At Any Moment
7:00 a.m. - 10:00 p.m.	60	70	80
10:00 p.m. - 7:00 a.m.	55	65	75

2. Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the "Waterfront" District.
3. Lighting. All lighting, exterior and interior, must be designed and located so as to confine direct rays to the premises.
4. Vibration. No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.

SECTION 6289.2. ACCESSORY USES.

1. Caretaker's Quarters. A permanent accessory residential unit shall be permitted for the purposes of housing a caretaker employed on the site, providing that the total number of caretaker's quarters in the Waterfront (W) District does not exceed twenty (20) percent of the developed parcels in the district. Caretaker's quarters are subject to the following requirements:
 - a. Occupancy Requirements. The resident of the dwelling is to be the owner or lessee, or an employee of the owner or lessees of the site. The application for development of a caretaker's quarters shall include a developer's statement explaining the need for caretaker's quarters and responsibilities of the caretaker/resident.
 - b. Development Standards. Caretaker's quarters must conform to all of the development standards of the primary zoning district, including minimum building site requirements. In addition, caretaker's quarters are subject to the following requirements:
 - (1) Establishment of Caretaker's Quarters. Caretaker's quarters must be built within the building of the primary use on the property.
 - (2) Maximum Unit Size. The floor area of a caretaker's unit may not exceed thirty-five (35) percent of the floor area of the main building up to a maximum of seven hundred and fifty (750) sq. ft.

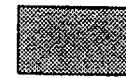
- (3) Setbacks. Setbacks for caretaker's quarters must conform to building code requirements.
- (4) Trailers and Mobilehomes. Trailers and mobilehomes for caretaker's residences are not permitted.
- (5) Acknowledgment of Land Use Priorities. A written statement will be obtained from each property owner at time of building permit for the caretaker's quarters, acknowledging that marine and general industrial uses are the primary land uses in the Waterfront (W) District, and residents of caretaker's quarters may be subject to inconveniences arising from the reasonable execution of such businesses.

(Chapter 18.5 - Added by Ordinance No. 2487 - February 28, 1978)
(Section 6285(3) - Amended by Ordinance No. 2707 - December 16, 1980)
(Section 6285 - Amended by Ordinance No. 2776 - April 1982)
(Section 6285(7)(8)(9) - Amended/Added by Ordinance No. 3157 - September 13, 1988)
(Chapter 18.5 - Repealed by Ordinance No. 3294 - March 12, 1991)
(Chapter 18.5 - Added by Ordinance No. 3295 - March 12, 1991)
(Section 6286.0.5 - Added by Ordinance No. 3300 - March 12, 1991)
(Sections 6286, 6287 - Amended by Ordinance No. 3454 - December 15, 1992)
(Section 6287.0 - Amended by Ordinance No. 3300 - March 12, 1991)
(Section 6289.2 - Added by Ordinance No. 3300 - March 12, 1991)

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(7/15/99)

PRINCETON AREA STUDY

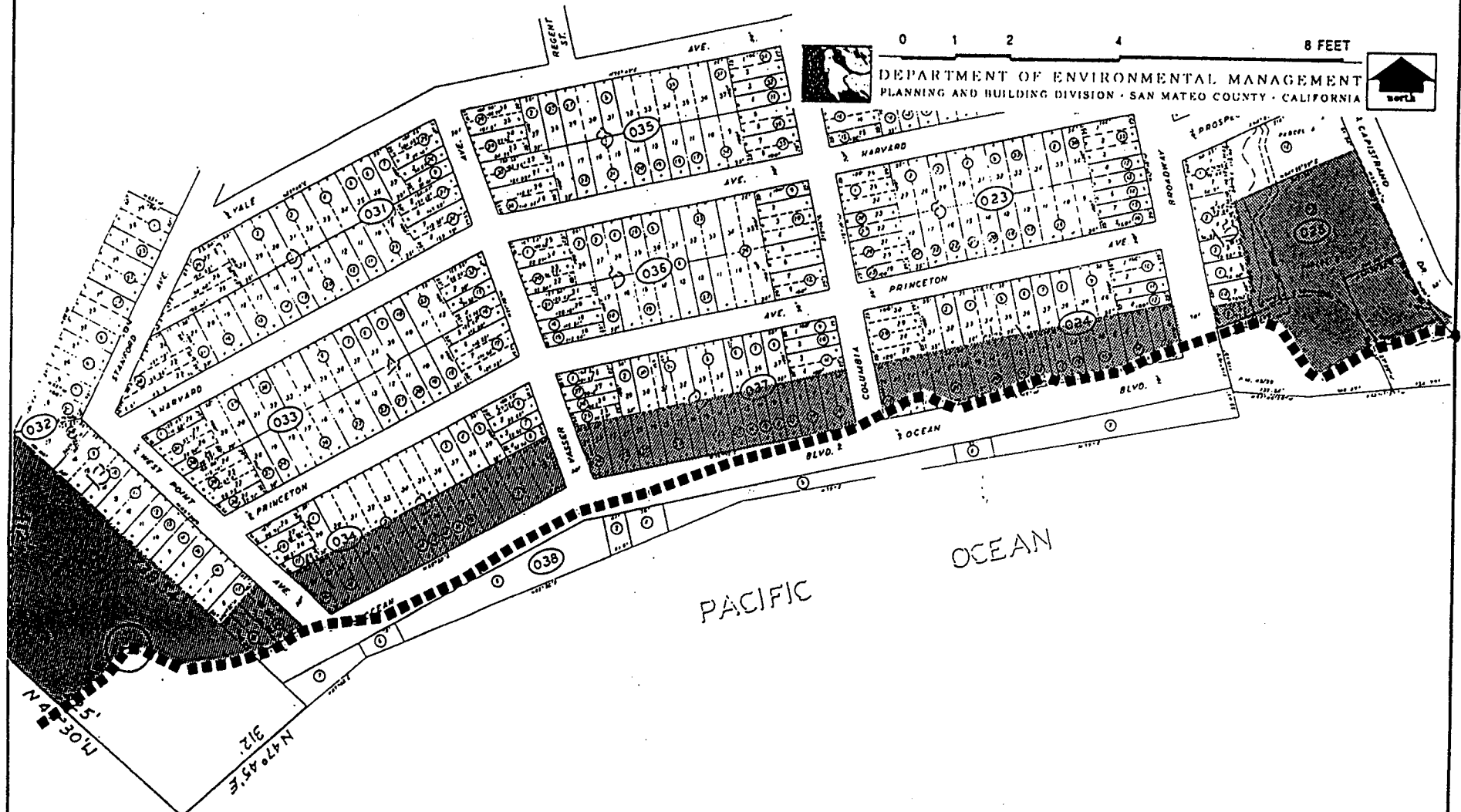
SHORELINE AREA



Shoreline Area



Shoreline





County of San Mateo - Planning and Building Department

ATTACHMENT I

CHAPTER 18.6. "A-O" DISTRICT **(AIRPORT OVERLAY DISTRICT)**

SECTIONS:

- 6288.0. APPLICABILITY OF A-O DISTRICT
- 6288.1. INTENT
- 6288.2. USES PERMITTED
- 6288.3. DEVELOPMENT STANDARDS
- 6288.4. PERFORMANCE STANDARDS
- 6288.5. NOISE INSULATION REQUIREMENTS

SECTION 6288.0. APPLICABILITY OF A-O DISTRICT. In any district which is combined with the Airport Overlay (A-O) District, the regulations specified in this Chapter shall apply.

SECTION 6288.1. INTENT. The intent of the Airport Overlay (A-O) District is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be greatest.

SECTION 6288.2. USES PERMITTED. All uses permitted by the underlying district shall be permitted in the A-O District except residential or uses with more than three (3) persons occupying the site at any one time. Permitted uses shall be subject to a use permit.

SECTION 6288.3. DEVELOPMENT STANDARDS. All new development shall be subject to the development standards of the underlying zoning district.

SECTION 6288.4. PERFORMANCE STANDARDS. All new uses must meet the performance standards of the underlying zoning district.

SECTION 6288.5. NOISE INSULATION REQUIREMENTS. All new development shall be subject to the following requirements:

- a. Submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed to comply with the following standard:

Interior community noise equivalent levels (CNEL) with windows closed, attributable to exterior sources shall not exceed an annual CNEL of 55 dB.

- b. Construct building in accordance with recommendation of acoustical analysis.

(Chapter 18.6 - Added by Ordinance No. 2660 - July 8, 1980)

(Chapter 18.6 - Amended by Ordinance No. 3297 - March 12, 1991)

JKE:cdn - JKE11292.6CR
(7/14/99)



County of San Mateo - Planning and Building Department

ATTACHMENT J

COUNTY OF SAN MATEO

Intra-Departmental Correspondence

Date: April 29, 1992

To: Planning and Building Division Staff
From: George Bergman and Kim Powleson, Senior Planners *GB KP*
Subject: Clarification of Maximum Density in the Airport Overlay (AO) Zone

The purpose of this memorandum is to clarify the maximum level of permitted development allowed by the Airport Overlay (AO) zoning district regulations. Section 6288.2 of the Zoning Regulations establishes that permitted uses in the AO Zone shall not include "uses with more than three (3) persons occupying the site at any one time."

For the purposes of implementing Section 6288.2, a site is considered 5,000 sq. ft. in area. This provision will allow single or multiple uses on a parcel with an area greater than the 5,000 sq. ft. minimum, providing that no more than three (3) persons occupy the parcel per 5,000 sq. ft. of land area.

KAP:fc - KAPC1042.AFO



County of San Mateo - Planning and Building Department

ATTACHMENT K



Planning and Building Division

County of San Mateo

Mail Drop PLN122 • 590 Hamilton Street • 2nd Floor • Redwood City
California 94063 • Telephone 650/363-4161 • Fax 650/363-4849

Board of Supervisors

Ruben Barrales
Richard S. Gordon
Mary Griffin
Tom Huening
Michael D. Nevin

**Director of
Environmental Services**
Paul M. Koenig

Planning Administrator
Terry L. Burnes

November 6, 1997

Mr. Philip Bruno
P.O. Box 182
Moss Beach, CA 94038-0182

Dear Mr. Bruno:

SUBJECT: USE PERMIT, FILE NO. USE 86-18;
COASTAL DEVELOPMENT PERMIT, FILE NO. CDP 86-62
175 AIRPORT ROAD, PRINCETON
APN: 047-031-210

On November 6, 1997, the Zoning Hearing Officer considered your application for a Use Permit Renewal and Coastal Development Permit, pursuant to Sections 6500 and 6328.7 of the County Zoning Regulations to allow the continued operation of a seafood processing business at 175 Airport Street in the Waterfront District in Princeton. This project is appealable to the California Coastal Commission.

As none present wished to hear a presentation of or opposed this item, the Zoning Hearing Officer made the findings appropriate for this project and approved this project subject to the following conditions.

FINDINGS

For the Use Permit:

1. Found that the granting of a use permit renewal to allow the continued operation of a seafood processing business, as described and as conditioned, will not adversely affect the health or safety of persons in the area and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

For the Coastal Development Permit:

2. Found 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 with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.

Mr. Philip Bruno
November 6, 1997
Page 2

3. Found that the project conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program, particularly those findings relating to visual resources and coastal commercial uses.

CONDITIONS OF APPROVAL

Environmental Health Division

1. The applicant shall obtain a permit from the California Food and Drug Branch, District 21; Carl Costella, Supervisor; 185 Berry Street, Suite 260, San Francisco, California, 94107-1724; 650/904-9738.

Planning Division

2. The applicant shall replace the dead tree located on the side of the building fronting Princeton Avenue.
3. This permit shall be combined with USE 94-0012 for inspection and renewal purposes, since both properties together operate as one unit. This combined permit shall expire five years from the date of approval of this permit. There shall be two administrative reviews. These reviews shall occur prior to November 6, 1998 and November 6, 2000. The applicant shall apply for renewal six months prior to the expiration on November 6, 2002. This schedule shall supersede the renewal and inspection schedule approved for USE 94-0012. All conditions from USE 94-0012 as well as the current conditions for USE 86-18 shall be met throughout the duration of this permit.
4. No more than three people may be scheduled to work on the site at one time, per Airport Overlay Zoning Regulations.
5. Garbage and debris shall not be stored in the front of the property.

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) days from the date of determination, by completing an application and paying an appeal fee of \$164. The appeal period for this project will end on November 20, 1997.

This item is also appealable to the California Coastal Commission. An additional Coastal Commission ten (10) working day appeal period will begin after the County appeal period ends. The County and Coastal Commission appeal periods run consecutively, not concurrently, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

Mr. Philip Bruno
November 6, 1997
Page 3

Very truly yours,



William R. Rozar
Zoning Hearing Officer
WRR:txp-ZHD1106h.3tp

cc: Public Works
Building Inspection
California Coastal Commission
Assessor
Princeton Homeowners Association



County of San Mateo - Planning and Building Department

ATTACHMENT L

MEMORANDUM

COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: September 22, 2010
TO: Planning Commission
FROM: Planning Staff
SUBJECT: Background Report on the Half Moon Bay Airport and Airport Overlay District

Purpose

This memorandum has been prepared as a follow up to Item #11 of the June 30, 2010 Planning Commission Meeting regarding a Use Permit Renewal for the seafood processing plant at 165 and 175 Airport Street in Princeton. The item was continued to allow staff time to research the Airport Overlay Zoning District's density regulations, as the seafood processing plant exceeds the overlay's density limitation of three (3) persons on-site at any one time.

The purpose of this memo is to provide general information on the background and history of the Half Moon Bay Airport, Airport Overlay Zoning District density limitation, and to identify the options and review process required to amend the Airport Overlay Regulations to address airport related issues/concerns; it is not focused on, nor intended to, provide a resolution to the specific density limitation issue of the seafood processing plant.

Background

A. Overview of Half Moon Bay Airport (HAF)

1. Ownership/Location/Setting

Half Moon Bay Airport (HAF) is a single runway general aviation facility that supports business, commercial, instructional, and personal general aviation activities. The airport is owned and operated by the County of San Mateo, via the Airports Division of the Department of Public Works (DPW). General aviation includes every type of civil flying other than commercial or military aircraft operations. The FAA 3-letter airport designation for the airport is "HAF."

The airport is located on the San Mateo County coast adjacent to the unincorporated communities of El Granada, Moss Beach, and Princeton-by-the-Sea. The airport consists of nearly 345 acres and is situated approximately four miles north of the City of Half Moon Bay, between the Pacific Ocean and Montara Mountain. The airport

property is generally bounded by California Highway 1 on the east, Cypress Avenue in Moss Beach on the north, Airport Street on the west, and Capistrano Road on the south. El Granada and Moss Beach are primarily residential areas. Princeton-by-the-Sea is comprised of commercial and light industrial uses and a few residences (see Attachment A).

The County acquired the airport from the Navy in 1947, when the Navy declared the property as surplus. The County has obtained additional property over the years and has made numerous improvements to maintain the facility as a safe and efficient airport per FAA regulations and design standards.

2. Climate Characteristics and Impacts to Aircraft Operations

Half Moon Bay Airport (HAF) experiences dry mild summers and moist cool winters, with morning fog and afternoon ocean winds. The prevailing winds are out of the northwest and are usually light to moderate in velocity. The wind velocity usually intensifies in the months of March, April, and May. Flight conditions in the area are frequently affected by fog between June and October. Because the Airport does not have an air traffic control tower and instrument landing capabilities, aircraft operate under Visual Flight Rules (VFR) conditions. Therefore, low cloud ceilings and foggy conditions severely limit the number of aircraft operations. Conversely, during sunny days and high cloud ceiling conditions, the number of aircraft operations at HAF can be very high.

3. Aircraft Fleet Mix and Operations

a. Aircraft Fleet Mix

The aircraft fleet mix at HAF is very similar to the types of aircraft that operate at San Carlos Airport. The typical types of aircraft that operate at HAF include single-engine, multi-engine, turboprop, turbojet and rotorcraft. The weight limit for aircraft operating at HAF is 12,500 pounds or less, as required by County regulations. Heavier aircraft may operate at the airport on a case-by-case basis, with prior approval by the Airport Manager.

b. Aircraft Operations

An aircraft operation is defined as any aircraft take-off or landing, with one "touch-and-go" training maneuver considered as two operations. Half Moon Bay Airport (HAF) is open twenty-four hours per day, 365 days per year, as required by the FAA. For safe operations and maximum performance, aircraft must land and take-off into the wind. Therefore, airport runways are generally aligned with the direction of the prevailing wind. The wind characteristics at HAF dictate the use of Runway 30 for take-offs (toward Moss Beach) approximately 80 percent of the year. Runway 12 is used for take-offs (toward Princeton-by-the-Sea) the remaining 20 percent of the year (see Attachment B).

Half Moon Bay Airport (HAF) does not have an air traffic control tower. Therefore, actual aircraft operational data is not available. The operational data shown in this report was obtained from historic files and the Half Moon Bay Airport Master Plan document accepted by the County Board of Supervisors in July 1997. It is important to emphasize that the forecasted number of aircraft operations shown herein was prepared per industry-accepted forecasting methods.

Below are two tables to illustrate historical and forecasted aircraft operational data for aircraft activity at Half Moon Bay Airport. Table 1, "Half Moon Bay Airport (HAF) Historical Aircraft Operations," below illustrates a historical decrease in the estimated number of annual aircraft operations at HAF, from a high of approximately 100,000 operations in 1969 to a low of approximately 38,000 in 1993¹.

TABLE 1	
Half Moon Bay Airport (HAF) Historical Aircraft Operations²	
Year	Estimated No. of Annual Aircraft Operations
1969	100,000 ³
1973	80,000 ⁴
1991	61,000 ⁴
1993	38,270 ⁴
Note: Between 1958 and 1971, HAF was used as an alternate landing site for commercial aircraft flying into San Francisco International Airport (SFO) when weather conditions at SFO did not permit landings.	

The data shown in Table 2, "Half Moon Bay Airport (HAF) Aircraft Operations Forecast 1994-2015," picks up where Table 1 left off. The forecasted level of aircraft operations for 2010 and 2015 indicate 50,000 and 54,000 operations per year, respectively. Mark Larson, San Mateo County Airports Manager, estimates the current (2010) level of aircraft operations at HAF to be approximately 40,000 to 60,000 per year. This estimate is consistent with the forecast data shown in Table 2 for 2010 and 2015. Because of the unpredictable nature of the economy, it is virtually impossible to predict aviation activity with certainty on a year-to-year basis over an extended period of time.

¹ It is important to note that between 1958 and 1971, HAF was used as an alternate landing site for commercial aircraft flying into San Francisco International Airport (SFO), when weather conditions at SFO did not allow landings. Our historical records do not indicate how many commercial landings occurred at HAF. In the early 1970s, technical advances in instrument flying and the approval of instrument approaches into SFO eliminated the need for commercial aircraft to use HAF for landings.

² An aircraft operation is defined as a landing or a take-off.

³ Data Source: Memo to the Honorable Board of Supervisors and Airport Land Use Committee, from Donald A. Woolfe, San Mateo County Planning Director, dated August 4, 1977.

⁴ Data Source: "Airport Master Plan for Half Moon Bay Airport" accepted by the County Board of Supervisors on July 22, 1997, prepared by Coffman Associates, Inc., Chapter One, p. 1-3.

TABLE 2					
Half Moon Bay Airport (HAF) Aircraft Operations Forecast 1994 - 2015 ⁵					
Annual Aircraft Operations	Existing	Forecast			
	1994	2000	2005	2010	2015
Total Annual Operations	38,271	42,000	46,000	50,000	54,000
Note: Mark Larson, San Mateo County Airport Manager, estimates the current (2010) level of aircraft activity at HAF is approximately 40,000 to 60,000 aircraft operations per year. This estimate is consistent with the data shown above for 2010-2015.					

B. Creation of the Airport Overlay (A-O) District

1. Background

The creation of the Airport Overlay (A-O) District in the vicinity of Half Moon Bay Airport (HAF) dates back to a series of actions in the mid and late 1970s. At that time, the following key elements were relevant:

- The estimated number of annual aircraft operations at HAF was relatively high (74,000 in 1974).⁶
- The operational and physical length (threshold to threshold) of the runway (Runway 12/30) was 5,000 feet; a great majority of the aircraft using HAF weighed less than 12, 500 pounds and could safely operate on a shorter runway.
- The Airport Land Use Commission (Regional Planning Committee⁷) adopted an Airport Land Use Plan in 1977. The plan established runway Approach Protection Zones (APZs) and related policies, prohibited structural development within those zones, and prohibited new residential development in areas above a certain aircraft noise level.
- The adopted runway approach protection zone (APZ) for Half Moon Bay Airport (HAF) was a 1,000-foot by 2,000-foot rectangle that was located on the runway centerline 200 feet from the physical end of the runway. A portion of the Approach Protection Zone, approximately 800 feet by 1,000 feet, covered private properties in the Princeton-by-the-Sea community and a much smaller triangular area of private property in Moss Beach⁸ (see Attachment B).

⁵ Data Source: "Airport Master Plan for Half Moon Bay Airport," accepted by the County Board of Supervisors on July 22, 1997, prepared by Coffman Associates, Inc., Chapter Two, p. 2-19, Table 2P.

⁶ Data Source: Planning and Building Department memo to the Honorable Board of Supervisors and Airport Land Use Committee, dated August 4, 1977.

⁷ The 21-member (20 cities and the County) Regional Planning Committee (RPC) was created by the Board of Supervisors in 1964 to advise the Board on planning-related issues that affected more than one city in the county, including airport land use compatibility issues. The RPC was abolished in 1991 when the City/County Association of Governments of San Mateo County (C/CAG) was created. The 23-member C/CAG Board of Directors is an autonomous agency of which San Mateo County is a member.

⁸ Source: Airport Land Use Plan adopted by the San Mateo County Airport Land Use Commission/Regional Planning Committee on March 26, 1981.

- Many citizens living near the airport had voiced their concerns that larger and noisier aircraft could use the airport without restriction, due to its runway length and aircraft weight capacity.
- The Airport Overlay (A-O) District did not exist.
- The land use character of the Princeton-by-the-Sea community was primarily low intensity industrial/manufacturing, storage, and marine-related uses; the existing zoning in the Princeton-by-the-Sea community was primarily marine-related-industrial (MAR).

The adopted Airport Land Use Commission policy regarding land uses in the defined approach protection zones was stated as follows:

“ALUC policy is to keep approach zones free of structures. Non-structural uses may be permitted in approach zones if they do not cause a concentration of more than 10 people per acre on a regular basis (in calculating area, streets are excluded). Motor vehicle parking and open space storage uses that may, at times generate up to 25 persons per acre, are also permitted. Other public and private uses may be considered appropriate by the ALUC based on an evaluation of the impacts of the proposed use on public safety.”⁹

Pressure to develop properties affected by the Approach Protection Zone was increasing and the adopted land use compatibility criteria in those zones had placed severe restrictions on private properties, especially in the Princeton-by-the-Sea community. Such restrictions had caused the ALUC to oppose proposed development in the approach protection zone areas. The Board voted to retain the existing zoning and not to acquire additional land in the approach protection zone areas or in areas exposed to high aircraft noise levels.

2. Actions by the County, the Airport Land Use Commission, and the FAA

On June 9, 1977, a subcommittee of the Airport Land Use Commission and two members of the Board of Supervisors met to address the approach protection zone issues related to Half Moon Bay Airport (HAF). A compromise was reached at that meeting whereby the County would request FAA approval to create an 800-foot displaced threshold at each end of the runway. A displaced threshold is a painted line on the runway that delineates an artificial threshold for landing aircraft (i.e., an aircraft must land beyond the painted line). This action would pull the approach protection zones in to a point where they would be almost entirely on airport property (see Attachment B).

On July 8, 1977, County Planning staff met with FAA staff to follow-up on the displaced threshold proposal. Tentative agreement was reached to permit the displaced thresholds for landings and allow the full runway length (5,000 feet) for take-offs.

⁹ Source: Airport Land Use Plan adopted by the San Mateo County Airport Land Use Commission/Regional Planning Committee on March 26, 1981.

Furthermore, it was agreed that the County would request FAA approval of a weight limit of 12, 500 pounds on aircraft using Half Moon Bay Airport (HAF) to preclude large, noisy aircraft. The full length of the runway would remain available for emergency use. The FAA agreed to approve the displaced thresholds and the aircraft weight limit, based on the following conditions: (a) the existing approaches to Runway 12/30 would continue to be protected, and (b) the County will continue to prohibit residential development within the airport approach protection zone areas¹⁰ (see Attachment C).

3. Adoption of the Waterfront District and the Airport Overlay (A-O) District

To comply with the FAA conditions noted above, the County proposed that the area within the runway approach protection zones but outside the FAA clear zones would be protected by an "Airport Overlay Zone" to be added to the County Zoning Regulations. The overlay zone would cover an area formerly protected by the Approach Protection Zone (APZ). The overlay zone would restrict proposed development in the underlying zoning district to low intensity, non-residential uses, which would not cause a concentration of more than 10 persons per net acre. This land use intensity criterion is consistent with the intensity criterion adopted by the Airport Land Use Commission. The supporting documentation does not include a rationale for the 10 persons per acre intensity criterion.

The Board of Supervisors adopted Ordinance No. 02660, an Ordinance Adding Chapter 18.6 to Part One of Division VI of the San Mateo County Ordinance Code (Zoning Annex) Establishing an Airport Overlay Zone on July 8, 1980. The text in Section 6288.1 PURPOSE states the following:

"The purpose of this chapter is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be greatest."

The area affected in the Princeton-by-the-Sea community by the A-O zone was an 800-foot by 1,000-foot rectangle. The Zoning maps were amended in 1990, to adjust the boundary of the A-O District in the Princeton community to follow parcel lines. That boundary remains in place today (see Attachment D). The affected area in Moss Beach is a triangular area on the north side of Cypress Street (see Attachment E). The current Zoning Regulations use the term "Airport Overlay District" instead of "Airport Overlay Zone."

Table 3 below displays the chronology of the creation and adoption of the Waterfront (W) District and the Airport Overlay (A-O) district.

¹⁰ Source: Letter to S.H. Cantwell, Jr. Director of Public Works, County of San Mateo, from Les Hopkins, Chief Planning Section, FAA Airports District Office, Burlingame, dated April 17, 1978.

TABLE 3		
Waterfront District and Airport Overlay District Chronology		
Ordinance	Ordinance Date	Description of Action
2487	2/28/78	Adoption of Marine Related Industrial (MAR) Dist. Chap. 18.5
2660	7/8/80	Add Chap. 18.6 to establish the AO District – limit 10 persons per net acre at any one time
3242	7/17/90	Amendment to revise zoning maps in Princeton (including the AO District) and establish the boundaries of the Waterfront
3243	7/17/90	Repeal Chap. 18.5 MAR District
3244	7/17/90	Create Chap. 18.5 to enact Waterfront District regs.
3247	7/17/90	Amendment to Chap. 18.6 to establish new regs. for the AO District – limit 3 persons per site at any one time

4. Department of Public Works (DPW) Memo to the Board of Supervisors

In a memo to the Board of Supervisors, dated March 10, 2006, the County Director of the Department of Public Works (DPW) explained the affects of the Half Moon Bay Airport (HAF) safety zones in the Princeton-by-the-Sea area and on the Local Coastal Program (LCP) update (see Attachment F). That memo included the following key points:

“The Half Moon Bay Airport (HAF) Runway Protection Zone (RPZ) on the south end of the Airport currently extends into the Princeton community to a point 1,900 feet from the end of the runway. The RPZ is a trapezoid 1,700 feet long with a 500-foot inner width, and a 1,000 -foot outer width, beginning 200 feet from the end of the runway. The RPZs for HAF are being revised in accordance with current FAA guidelines, as part of the Airport Layout Plan (ALP) update that DPW has undertaken. Subject to FAA approval, the Airport’s revised RPZs are expected to extend just 1,200 feet from the edge of the runway and fall entirely on Airport property.

“The Airport Land Use Commission (C/CAG Board) in accordance with State guidelines determines the size and location of the Approach Protection Zones (APZ). The current APZ on the southern end of the Airport extends into the Princeton community to a point 1,437 feet from the end of the runway. The APZ is a rectangle that is 2,00 feet long, 1,00 feet wide, beginning 200 feet from the runway’s displaced threshold.

“Future updates or amendments to the Half Moon Bay Airport (HAF) Comprehensive Airport Land Use Compatibility Plan (CLUP) will require the Airport Land Use Commission (C/CAG Board of Directors) to consider the State’s updated safety zone guidelines when determining the size of the airport’s APZs. Those new guidelines are potentially more restrictive than those used to develop the existing APZs and could result in the Board recommending a revised APZ

that extends further into the Princeton-by-the-Sea community than the current APZ.”

The memo further noted that, “Essentially, the size of the FAA required RPZ is shrinking while the guidelines for the size of the APZs required by the State are potentially expanding.”

The memo also noted that DPW concurs with a Board of Supervisors Subcommittee’s revised recommendations related to the Airport Overlay (A-O) District, as discussed in the *Executive Summary: Midcoast Local Coastal Program (LCP) Update Project* from the Director of Environmental Services Agency, dated February 14, 2006, with the following clarification:

“The ALP document update currently underway includes the review of required FAA runway safety zones and approach surfaces as stated in the report. However, the discussion of “possible safety impacts from any proposed Airport changes, proposals made by FAA and State Division of Aeronautics, and suggested mitigation measures, such as aviation easements” will be addressed as part of any review or update of the Airport’s APZ by the County ALUC.”

The revised Board of Supervisors Subcommittee recommendation, re: Local Coastal Program (LCP) project topic No. 11 Development Controls in the AO District is stated as follows:

“The Subcommittee recommends that the Board:

- (1) Revise the AO District to align with the FAA and ALUC protection zones.
- (2) Rezone the area outside the revised AO District from W/AO to W.
- (3) Amend the site intensity limit for the AO District from three persons per site to one person per 1,667 sq. ft. of parcel area (i.e., equivalent to three persons per 5,000 sq. ft.).
- (4) Postpone final approval of the above amendments until the “Airport Layout Plan” of the Half Moon Bay Airport Master Plan and ALUC safety protection zone evaluation are complete.
- (5) After the “Airport Layout Plan” is complete, consider whether to request that the FAA and the ALUC base the approach protection zones on the “displaced threshold” rather than on the physical end of the runway.”

C. Key Provisions in the Zoning Regulations for the Waterfront (W) District and the Airport Overlay (A-O) District

Although the Airport Overlay (A-O) District affects private properties in the Princeton-by-the-Sea community and in the Moss Beach community, the focus of the administration of the Airport Overlay (A-O) District is in the Princeton-by-the-Sea community. A large part

of that community is located within the "W" (Waterfront District) and a portion of that district is combined with the A-O District. The zoning designation for affected properties is shown as W/A-O/DR in the zoning maps. The DR designation indicates Design Review is required as part of the development process.

1. Waterfront (W) District

The provisions of the Waterfront (W) District are codified in Chapter 18.5 of the San Mateo County Zoning Regulations (see Attachment G). The text in Section 6285.0 of Chapter 18.5 states several purposes of the Waterfront District, including the following:

- "1. Provide a "working waterfront" area intended primarily for the location of marine related trades and services and manufacturing land uses that support commercial fishing and recreational boating activities."
- "4. Support and strengthen the Coastsides economy by providing trade and employment opportunities."

2. Airport Overlay (A-O) District

The provisions of the Airport Overlay (A-O) District are codified in Chapter 18.6 of the San Mateo County Zoning Regulations (see Attachment H). The regulations state the following:

"The intent of the Airport Overlay (A-O) District is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be the greatest."

The text in Section 6288.2 of Chapter 18.6 states the following:

"All uses permitted by the underlying district shall be permitted in the A-O District except residential or uses with more than three (3) persons occupying the site at any one time. Permitted uses shall be subject to a use permit."

Additionally, a County Policy Memo issued April 29, 1992 (see Attachment I) clarified the following:

"For the purposes of implementing Section 6288.2, a site is considered 5,000 sq. ft. in area."

The Airport Overlay (A-O) District affects public and private property on both ends of Half Moon Bay Airport. Table 4 below, identifies the location, by community, of the zoning districts that are combined with the Airport Overlay (A-O) District (also see Attachment E).

TABLE 4		
Location of Zoning Districts Combined with the Airport Overlay (A-O) District		
Zoning District	Acres	Location (by Community)
M-1 (Light Industrial)*	8.88	Moss Beach and Princeton-by-the-Sea
RM-C (Resource Management-Coastal Zone**	5.14	Moss Beach (north side of Cypress Avenue)
W (Waterfront)**	19.08	Princeton-by-the-Sea
R-1/S-17 (Single-Family Residential/5,000 s.f. lot minimum)***	11.78	Moss Beach
*Half Moon Bay **Private property ***On Airport property		

D. W/A-O District Zoning Administration Issues

Where the A-O District is combined with the W District (i.e., W/A-O), the limit of three (3) persons occupying the site at any one time applies a very strict “people intensity” limit to the permitted land uses (marine-related, light manufacturing, parks, neighborhood solid waste recycling, parking).

The people intensity provisions of the current W/A-O District combination in the Princeton-by-the-Sea community creates the following zoning administration issues for the County:

- Creates a code enforcement issue when a permitted use in the W District exceeds the people per site limit required by the A-O District.
- Limits the ability to establish/expand the permitted uses in the W District, and to create a “working waterfront,” as intended by the W District.

The County could amend its regulations to address the above-referenced issues. Such action should be designed to retain the “working waterfront” vision for the Princeton-by-the-Sea community and protect the runway approaches to Half Moon Bay Airport. To be consistent, any revisions to the Airport Overlay (A-O) District to address the zoning issues on private properties in the Princeton community must also apply to the private properties in the Moss Beach community that are affected by the Airport Overlay (A-O) District at the opposite end of Half Moon Bay Airport (HAF).

E. FAA’s Role in Airport Land Use Compatibility Planning¹¹

The FAA’s focus is aviation safety and the development and operation of the nation’s air traffic control system. In that regard, it promulgates and enforces a variety of Federal Aviation Regulations (FARs) and produces Advisory Circulars (ACs) for information and guidance to the aviation industry.

¹¹ Source: Airport Cooperative Research Program (ACRP) Legal Research Digest 5, entitled, “Responsibility for Implementation and Enforcement of Airport Land-Use Zoning Restrictions” March 2009 ACRP Project 11-01.

For the purposes of this report, the following key points are relevant:

- The FAA does not enact or enforce local land use controls. By federal statute and case law, the FAA does not have a direct hand in regulating development around airports.
- The FAA, through grant assurance requirements with an airport sponsor (County), maintains an important role in evaluating compatible land-use policies in the vicinity of an airport. As the FAA Airport Compliance Manual – Order 5190.6B states: “the federal obligations a sponsor assumes in accepting FAA administered development assistance are mandated by federal statute” and that “Upon acceptance of an AIP grant, the assurances become a binding contractual obligation between the airport sponsor and the federal government.”

Additionally, the current version of the California Airport Land Use Planning Handbook, January 2002, includes the following statement:

“Land use safety compatibility guidance from the Federal Aviation Administration (FAA) is limited to the immediate vicinity of the runway, the runway protection zones at each end of the runway, and the protection of navigable airspace. The lack of FAA land use compatibility criteria for other portions of the airport environment is often cited by land use proponents as an argument that further controls on land use are unnecessary. What must be remembered, however, is that the FAA has no authority over off-airport land uses – its role is with regard to the safety of aircraft operations. The FAA’s only leverage for promoting compatible land use planning is through the grant assurances, which airport proprietors must sign in order to obtain federal funding for airport improvements. State and local agencies are free to set more stringent land use compatibility policies as they see fit.”

Despite its direct lack of regulatory authority over airport/land use compatibility, the FAA maintains an interest in two key issues that affect land development in the airport environs: (1) height of structures/airspace protection (14 CFR Part 77), and (2) aircraft noise impacts (14 CFR Part 150). The purpose of FAR Part 77, is to protect aircraft, occupants, and people on the ground from hazards to air navigation for the safe passage of aircraft through navigable airspace. However, only local governments have the authority to correct or prevent any construction or alteration that would pose a hazard to air navigation. FAR Part 150 prescribes a system for measuring aircraft noise impacts and presents guidelines for identifying incompatible land uses. Participation in an FAR Part 150 program by airport proprietors is voluntary.

In setting the FAR Part 150 guidelines for identifying incompatible land uses, the regulations state that the designations

“...do not constitute a Federal determination that any use of land covered by the noise compatibility program is acceptable or unacceptable under federal, state, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the

local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.”

In summary, the FAA does not have direct authority over land use designations for lands surrounding the airport. It does, however, provide guidance about land use compatibility and can use its grant assurance provisions to influence local decisions.

F. Process to Amend the Provisions in the Airport Overlay (A-O) District

1. Initiation of the Amendment Process & Referral to the Airport Land Use Commission (C/CAG Board)

The provisions in the Airport Overlay (A-O) District may be amended per the process described in Chapter 27 of the County Zoning Regulations. The process may be initiated by (1) the Board of Supervisors, (2) the Planning Commission, (3) the Community Development Director, or (4) a private party. Prior to a final action on the amendment, the County must refer the proposed amendment to the Airport Land Use Commission (C/CAG Board of Directors) for a comprehensive airport land use compatibility plan (CLUP) consistency review, per the process described below.

2. Review/Action by the Airport Land Use Commission (C/CAG Board of Directors)

The Airport Land Use Commission review of a proposed local agency land use policy action includes two steps: review by the C/CAG Airport Land Use Committee (ALUC); and then review and final action by the Airport Land Use Commission (C/CAG Board). Each step of the process is described below.

Step 1: Review by the C/CAG Airport Land Use Committee (ALUC)

The affected agency refers the proposed local action, including all relevant documentation, to C/CAG ALUC staff. ALUC staff reviews the submitted materials, coordinates the review with the affected local agency staff, and schedules the item for the next available ALUC meeting. ALUC staff also prepares a staff report for ALUC and public review. The staff report describes the proposed action and includes an analysis of the relevant airport land use compatibility issues related to the proposed action and a recommended ALUC action.

The C/CAG ALUC reviews the proposed local agency action, considers relevant public input, and takes action by adopting a motion to advise the Airport Land Use Commission (the C/CAG Board) whether the proposed action is consistent or inconsistent with the relevant provisions in the CLUP. The ALUC review includes a presentation of the staff report by ALUC staff and opportunities for comments from representatives of the affected local agency, other agencies, and the public. The C/CAG ALUC recommendation is transmitted to the Airport Land Use Commission (the C/CAG Board), via a report prepared by ALUC staff.

Step 2: Review/Final Action by the Airport Land Use Commission (C/CAG Board)

The proposed action is scheduled for consideration at the next available C/CAG Board meeting. ALUC staff prepares a staff report for review by the C/CAG Board that describes the proposed local agency action and includes a copy of the ALUC staff report and the C/CAG ALUC recommendation.

The C/CAG Board reviews the C/CAG ALUC recommendation and takes final action on the proposal by adopting a motion that indicates the proposed local agency action is consistent or inconsistent with the relevant provisions in the CLUP. The C/CAG Board's review includes opportunities for comments from the affected local agency, other agencies, and the public. The C/CAG Board formally notifies the affected local agency, in writing, of its final action on the proposal.

Response Time Requirement

The Airport Land Use Commission (C/CAG Board) must respond to a local agency's request for a consistency determination of a proposed action within 60 days of the receipt of the referral by ALUC staff. However, this review period does not begin until ALUC staff has received all necessary documentation. ALUC staff makes the determination of the completeness of the information.

In San Mateo County, the 60-day review period includes a review by the C/CAG ALUC. Coordination of the two-step review process by ALUC staff is critical to completing the review within the mandated 60-day review period. If the C/CAG Board does not act on the referral within the 60-day limit, the proposed local agency action is deemed consistent with the CLUP by law.

3. Environmental Review

Planning staff would prepare an initial study and appropriate environmental document pursuant to the California Environmental Quality Act (CEQA). The environmental document would be subject to a 20-day public review period.

4. Review by the Planning Commission and Board of Supervisors

Planning staff would prepare a staff report and schedule a public hearing before the Planning Commission, who would act as a recommending body to the Board of Supervisors (BOS). Upon a recommendation from the Planning Commission to the BOS, a hearing before the BOS would follow for a final decision on the proposed amendment.

The Planning Commission and Board of Supervisors will consider the action by the Airport Land Use Commission as part of its review of the proposed amendment. The Board could override the action of the Airport Land Use Commission (C/CAG Board), if it makes specific findings to support such action (PUC Section 21676 (b)).

5. Certification by the California Coastal Commission

Because the A-O Zoning District Regulations are part of the County's Local Coastal Program implementation measures, review and certification of the Board of Supervisor's final decision would be required by the California Coastal Commission.

G. Observations and Considerations

The following observations and considerations are based on the information presented herein.

1. Airport/Aircraft

- The estimated number of annual aircraft operations at Half Moon Bay Airport (HAF) has significantly decreased since 1969, and the level of development in the Princeton-by-the-Sea community has significantly increased over the same period.
- Aircraft operations at Half Moon Bay Airport (HAF) are seasonal due to climate conditions on the coast (fog, wind conditions).
- The Board of Supervisors has limited the weight of aircraft operating at Half Moon Bay (HAF) Airport to less than 12, 500 pounds.

2. Zoning/Land Use

- The Waterfront (W) District was adopted to encourage and create a "working waterfront" in the Princeton-by-the-Sea community.
- The permitted uses in the W District are compatible with aircraft operations at Half Moon Bay Airport.
- The A-O District was established to comply with the FAA's condition to protect the former Approach Protection Zones in exchange for the FAA's authorization of displaced thresholds at both ends of the runway.
- The current Airport Overlay (A-O) District people intensity limit (no more than three (3) persons on a site at any one time) puts a significant cap on the level of activity in the W District and presents enforcement challenges.
- The people intensity limits of the A-O District severely restricts opportunities to establish and expand the type of land uses that are consistent with the County's vision of a working waterfront.

3. FAA Authority, Re: Airport/Land Use Compatibility Planning

- The FAA has no statutory or regulatory authority to conduct or mandate airport/land use compatibility planning.
- The FAA has leverage for promoting airport compatible land use planning through its federal grant assurances, which airport proprietors must sign in order to obtain funding for airport improvements.
- The FAA focuses on two key issues that affect land development in an airport environs: (1) height of structures/airspace protection, and (2) aircraft noise impacts.
- FAA land use compatibility guidelines related to specific aircraft noise contour levels are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses (Source: Federal Aviation Regulation FAR Part 150).

4. Local Agency Authority, Re: Airport/Land Use Compatibility Planning

The basis for all land use regulations is the police power granted to local agencies (cities and counties) by the State Constitution. The purpose of police power is to protect the public health, safety and welfare.

The airport land use commission statute includes the following statement:

“(2) It is the purpose of this article to protect the public health, safety and welfare, by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.” Source: PUC Section 21670 (a) (2)

State law requires local agency general plans and specific plans to be “consistent”¹² with the relevant content of a comprehensive airport land use compatibility plan (CLUP).

Per State law, local agencies are responsible for implementing the airport/land use compatibility review process by referring proposed land use policy actions (i.e., general plans, general plan amendments, specific plans, specific plan amendments, zoning regulations, zoning amendments, text and/or map(s)), to the airport land use commission for a consistency review and action.

¹² Consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made. Source: *California Airport Land Use Planning Handbook January 2002*, p. Summary-12.

H. Options to Addressing the Airport Overlay (A-O) District Density Limitation

Based on the background information presented herein and the observations and considerations listed above, staff has identified the following three (3) short-term options and one (1) long-term option to address the people intensity limit in the W/A-O District.

1. Short-Term Options

a. No Action

This option maintains the current zoning regulations and boundaries of the W and A-O District as already adopted. No further action would be necessary.

b. Repeal the Airport Overlay (A-O) District

This option would (1) repeal the Airport-Overlay (A-O) District regulations and eliminate the people intensity limit of the current A-O District regulations on both ends of the airport runway (i.e., Princeton and Moss Beach). This option could include an amendment to the W District regulations to address airport noise and safety concerns and/or additional modifications to mitigate repeal of the A-O District. This option could allow for modifications such that the maximum number of persons per parcel (people intensity) becomes self-limiting based on (1) occupancy load factors identified in the California Building Code (people per square-foot), (2) the permitted uses in the W District, and (3) the maximum lot coverage provisions in the W District. This option would require a comprehensive airport land use compatibility plan (CLUP) consistency review and finding by the Airport Land Use Commission (C/CAG Board of Directors).

See Section F above (or Attachment I) for the Process to Amend the County Zoning Regulations.

c. Rezoning or Text Amendment to the Airport Overlay District

This option could include readjusting the A-O District boundary lines and/or amending sections of the A-O District regulations while preserving the A-O District for future refinement (see Long Term Option below). As discussed in the previous option, this option could allow modifications such that the maximum number of persons per parcel becomes self-limiting based on other regulations already in affect. This option would require a comprehensive airport land use compatibility plan (CLUP) consistency review and finding by the Airport Land Use Commission (C/CAG Board of Directors).

See Section F above (or Attachment I) for the Process to Amend the County Zoning Regulations.

2. Long-Term Option

a. Adopt a Comprehensive Amendment to the Airport Overlay (A-O) District

The Airport Land Use Commission (C/CAG Board) is in queue for State grant funding to update the Comprehensive Airport Land Use Compatibility Plan (CLUP) governing the Half Moon Bay Airport in fiscal year 2010/2011. An update to the Half Moon Bay CLUP would provide an opportunity for the County to coordinate a comprehensive update to the zoning regulations that could address all airport related issues, including but not limited to, review of

the W and A-O Districts, in a manner that would be consistent with any updates to the Half Moon Bay CLUP and thus, in compliance with State and Federal Guidelines. This option would require a comprehensive airport land use compatibility plan (CLUP) consistency review and finding by the Airport Land Use Commission (C/CAG Board of Directors).

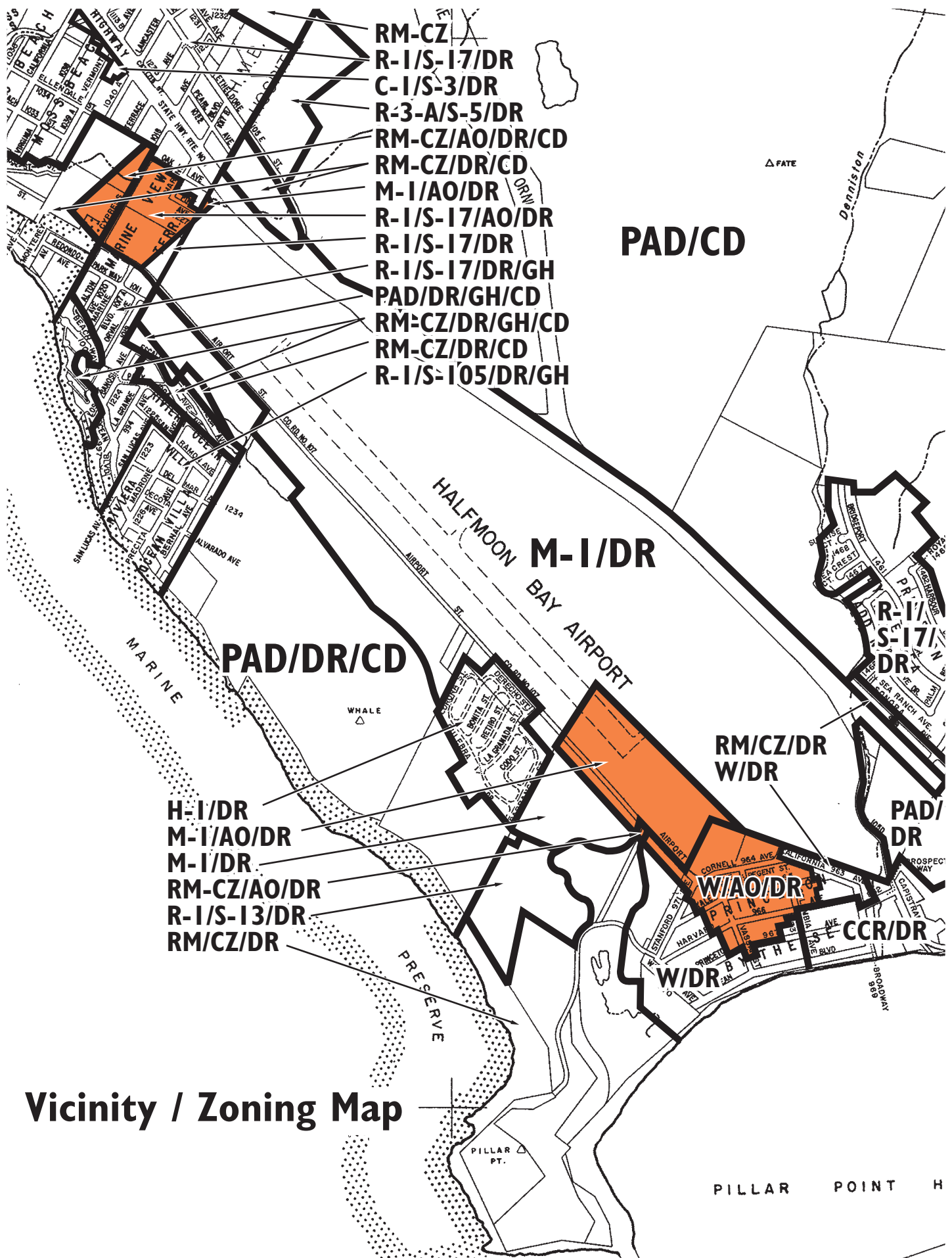
See Section F above (or Attachment I) for the Process to Amend the County Zoning Regulations.

ATTACHMENTS

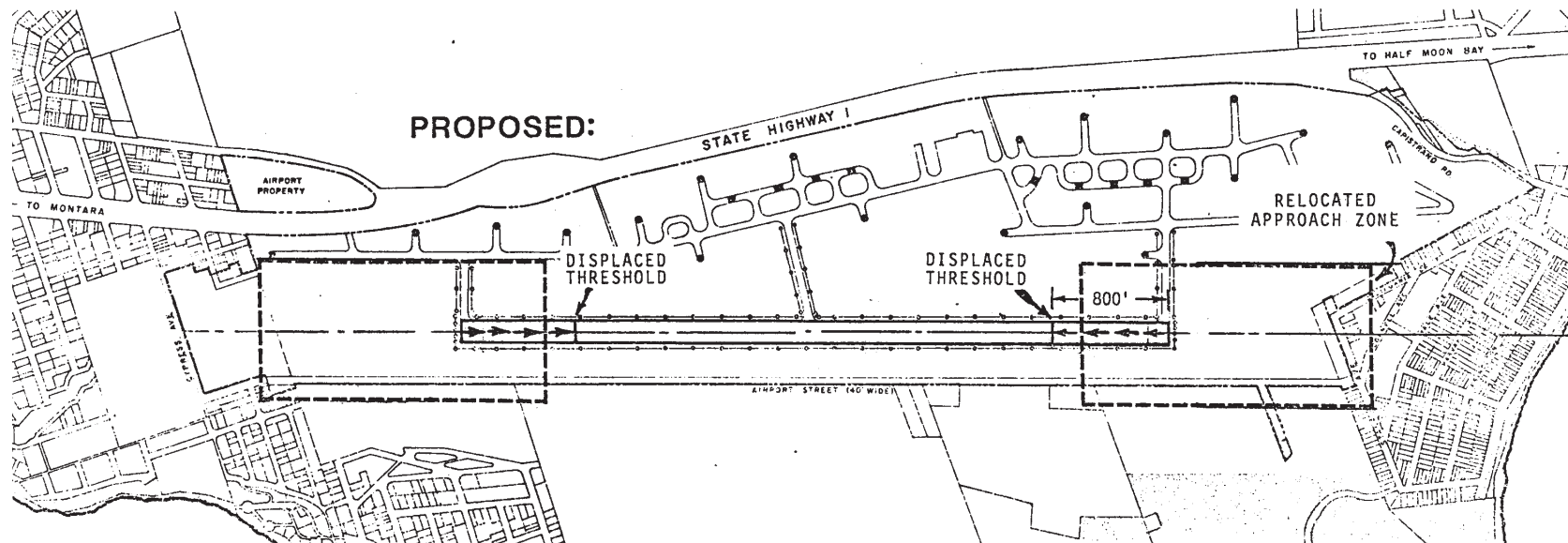
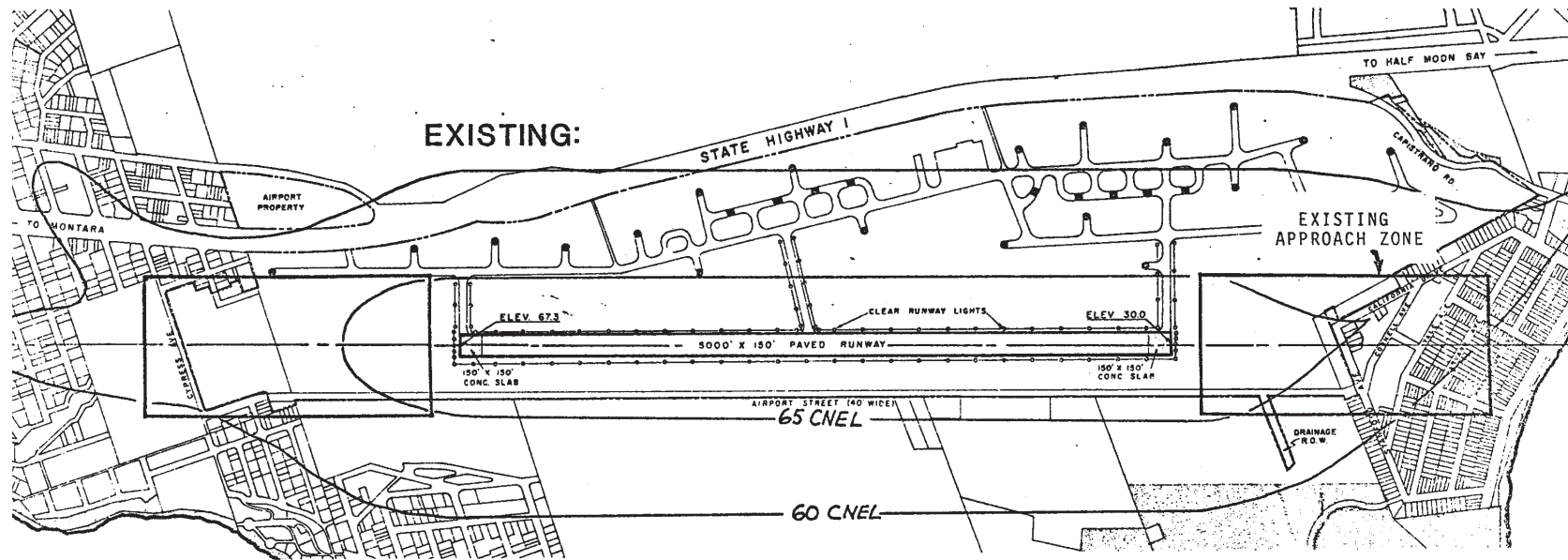
- A. Vicinity/Zoning Map
- B. Half Moon Bay 12/30 Runway Threshold Displacement Diagram
- C. San Mateo County Inter-Departmental Correspondence from Robert L. Sans, Director of Public Works to Chris Gouig, Planning Director regarding “Half Moon Bay Airport – Princeton Area” dated July 29, 1987
 - a. Letter from Les Hopkins, Chief, Planning Section of the Department of Transportation Federal Aviation Administration to S.H. Cantwell Jr., Director of Public Works for San Mateo County, dated April 17, 1978
 - b. Half Moon Bay Runway 30 Diagram
 - c. Half Moon Bay Airport 1995 Noise Contours Diagram
 - d. San Mateo County Inter-Departmental Correspondence from Donald A. Woolfe, Planning Director to the Hon. Board of Supervisors and Airport Land Use Committee regarding “Half Moon Bay Runway Modification”, dated August 4, 1977
- D. Airport Overlay Map – Princeton
- E. Airport Overlay Map – Princeton and Moss Beach
- F. San Mateo County Inter-Departmental Correspondence from Neil R. Cullen, Director of Public Works to the Members, Board of Supervisors regarding “Affects of the Half Moon Bay Airport Safety Zones on Development in the Princeton Area and the LCP Update”, dated March 10, 2006
 - a. Half Moon Bay Airport Safety Zones/Zoning, Southern Approach-Runway 30 Diagram
 - b. Expected Size and Location of the RPZ closest to Princeton at Half Moon Bay Airport – Subject to FAA Review and Approval Diagram
 - c. Excerpts from the Executive Summary: Midcoast Local Coastal Program (LCP) Update Project from the Director of Environmental Services Agency dated February 14, 2006.
- G. Waterfront District Regulations from San Mateo County Zoning Regulations 1984*
- H. Airport Overlay District Regulations from San Mateo County Zoning Regulations 1984*
- I. San Mateo County Intra-Departmental Correspondence from George Bergman and Kim Powleson, Senior Planners to Planning and Building Division Staff regarding Clarification of Maximum Density in the Airport Overlay (A-O) Zone dated April 29, 1992*
- J. Flowchart for Process to Amend the San Mateo County Zoning Regulations

*See Attachment H, I, J of Board of Supervisors Staff Report dated October 31, 2011

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PROPOSED HALF MOON BAY AIRPORT RUNWAY MODIFICATION



COUNTY OF SAN MATEO

INTER-DEPARTMENTAL CORRESPONDENCE

DATE July 29, 1987

TO: CHRIS GOUG, PLANNING DIRECTOR

FROM: ROBERT L. SANS, DIRECTOR OF PUBLIC WORKS

SUBJECT: HALF MOON BAY AIRPORT - PRINCETON AREA

The Board of Supervisors has directed staff to report back on allowed uses in the Airport Overlay Zone that would be consistent with F.A.A.'s criteria.

The following is a summary of factors or events which may aid the Board in its discussion of this issue:

1. The County requested that the threshold (the point where a plane could begin to land) be brought in 800 feet from the end of the runway and a 12,500 pound aircraft weight limit be imposed at Half Moon Bay to reduce the noise impact on the surrounding area,
2. The F.A.A. approved the above with the condition that a) the existing approaches continue to be protected; b) the County continue to prohibit residential development within the airport approach area,
3. The County adopted the A-O Zone which is based on existing runway length, and which overlays the F.A.A. Zone and is at the end of the ALUC Clear Zone.

This Ordinance prohibits residential development (F.A.A. Standard) and limits business to those that do not cause a concentration of more than ten (10) people per acre,

4. ALUC adopted a policy on approach zones--based on the displaced thresholds--which "is to keep approach zone free of structures" and allow non-structural uses if they do not cause a concentration of more than ten (10) people per acre on a regular basis.

Chris Gouig, Planning Director
Re: Half Moon Bay Airport - Princeton
Area
July 29, 1987

Page 2

The net result for the Princeton area is shown on the attached.

In the future, based on existing policies and ordinances, the County could remove the displaced threshold and allow larger, heavier and quieter aircraft to land and would violate only the ALUC policy to keep approach zones free of structures. If the A-O Zoning were modified, the margin of safety (not more than ten (10) persons per acre) would have also been removed. However, in either event the F.A.A. restriction of no residential development and no intrusions into the 34:1 approach slope must be enforced.

I recommend that the zoning restrictions be continued in order to provide the additional level of safety and to maintain the noise levels as depicted in the Airport Land Use Plan.

Robert L. Sans
ROBERT L. SANS
Director of Public Works

RLS:NRC:sdd

Enclosures: Map
F.A.A. Letter
ALUC Map

cc: Carol Radisch
District Attorney
Neil R. Cullen

KL
R/S
4/23
1/13
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

APR 17 1978

Airport District Office
831 Mitten Road
Burlingame, CA 94010



RECEIVED
DEPARTMENT OF PUBLIC WORKS
COUNTY OF SAN MATEO

JUL 23 1987

Mr. S. H. Cantwell Jr.
Director of Public Works
County of San Mateo
County Government Center
Redwood City, California 94083


Subject: Proposed 800' Displaced Thresholds and 12,500# Aircraft Weight Limit, Half Moon Bay Airport

Dear Mr. Cantwell:

We have reviewed and coordinated the subject proposal; and in the absence of a demonstrated need to maintain the existing runway length and weight capability, we do not object to this action.

This approval is conditioned on the following:

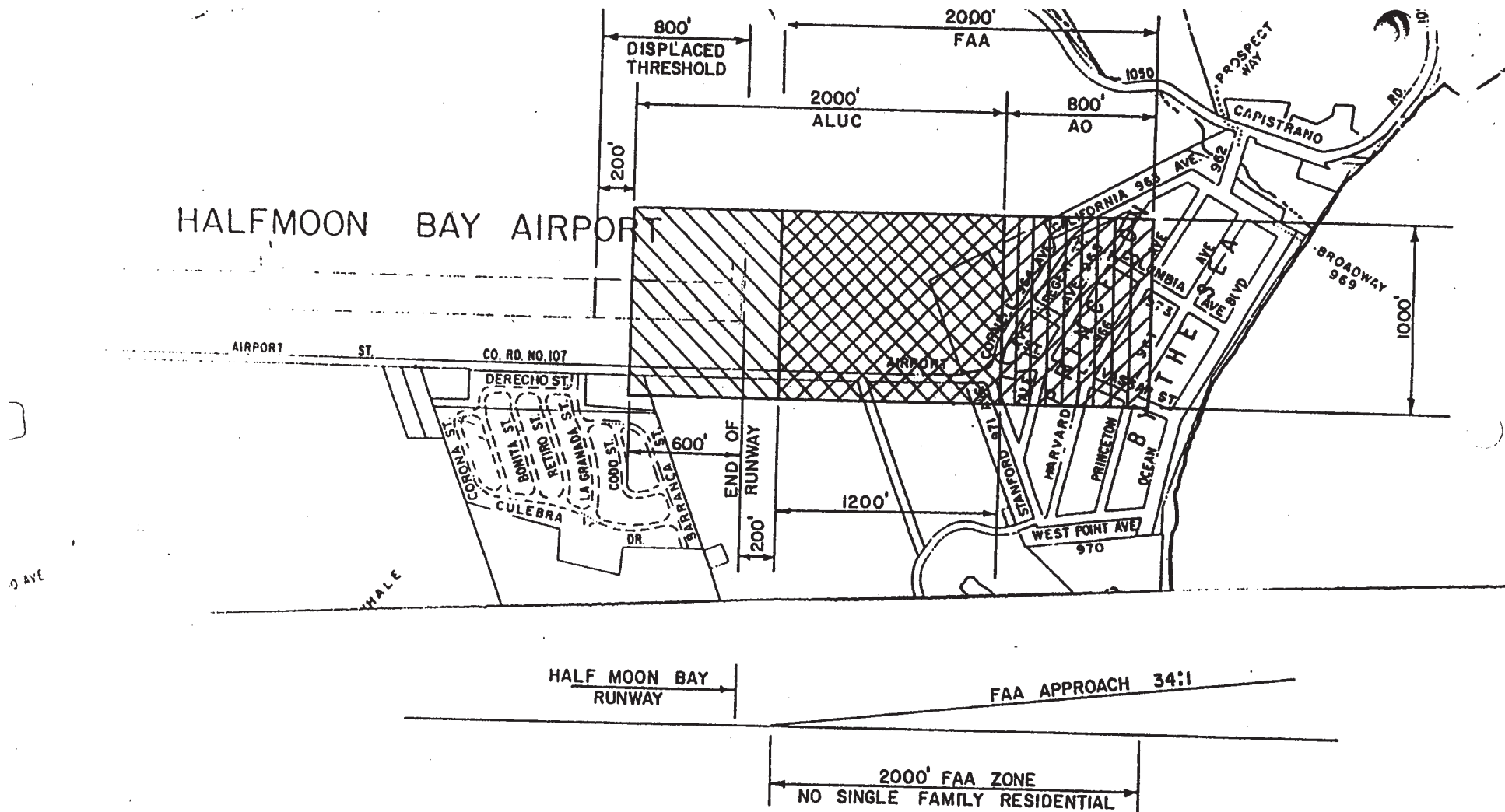
1. The County will periodically review its runway length and strength requirements at Half Moon Bay Airport and restore whatever length and strength is justified.
2. The existing airport approaches will continue to be protected on a 34:1 slope beginning 200' beyond the physical ends of the runway.
3. The County will continue to prohibit residential development within the airport approach areas beginning 200' beyond the runway ends and extending outward 2000' at a width of 1000'.
4. The County will accomplish the necessary runway marking and lighting and VASI relocation without ADAP funds.

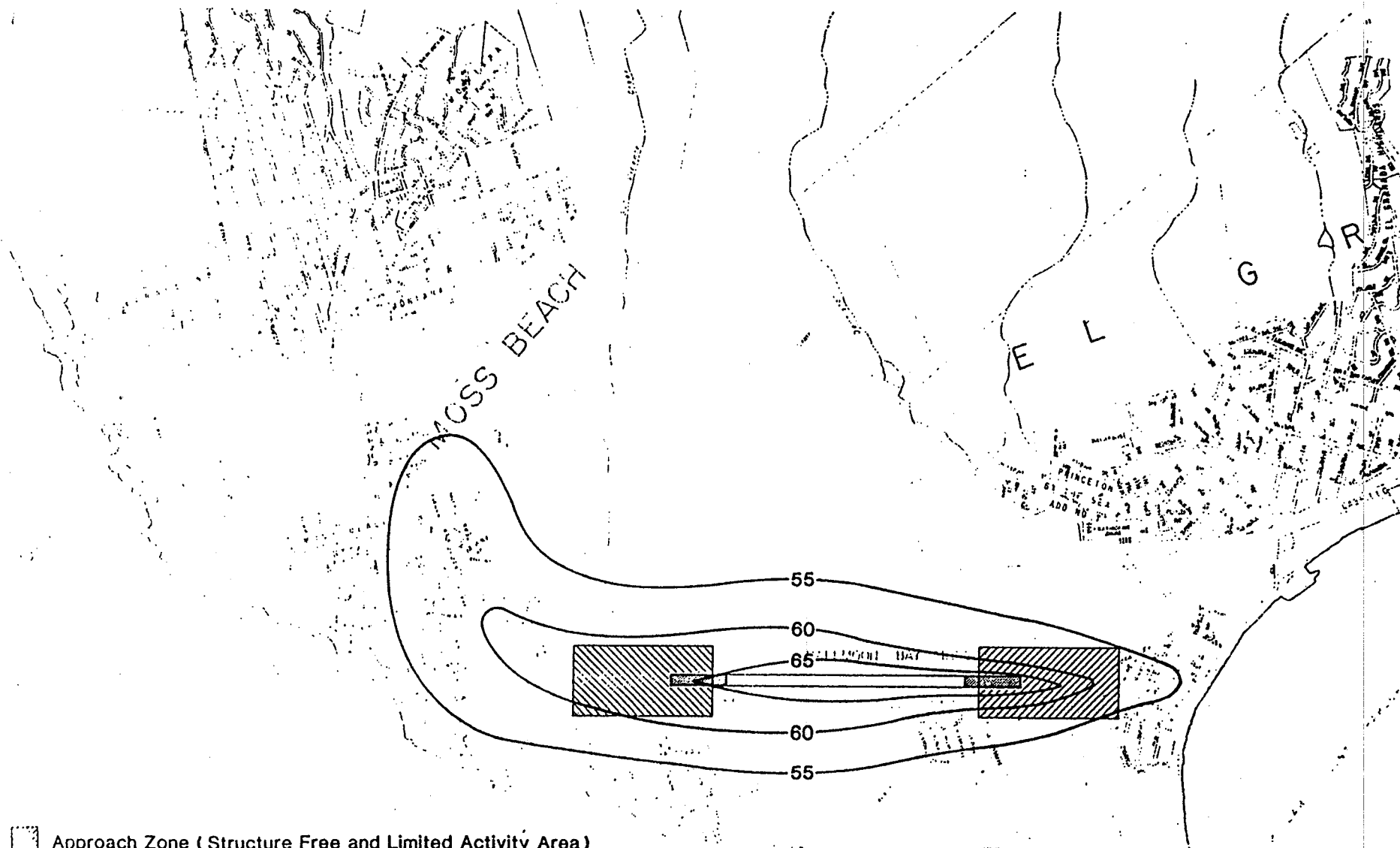

LES HOPKINS
Chief, Planning Section

FREDERICK M. ISAAC
Chief, Airport District Office

JUL 14 1978

HALFMOON BAY AIRPORT





-  Approach Zone (Structure Free and Limited Activity Area)
-  Community Noise Equivalent Level (CNEL) Contours
-  Displaced Threshold

AIRPORT LAND USE PLAN
 SAN MATEO COUNTY AIRPORT LAND USE COMMISSION
 ADOPTED FEBRUARY 23, 1978

**HALF MOON BAY AIRPORT
 1995 NOISE CONTOURS**

COUNTY OF SAN MATEO
INTER-DEPARTMENTAL CORRESPONDENCE

DATE August 4, 1977

TO: Honorable Board of Supervisors and Airport Land Use Committee

FROM: Donald A. Woolfe, Planning Director
via: Allan H. Colman

SUBJECT: Half Moon Bay Runway Modification

RECOMMENDATION

That your Board and the Airport Land Use Committee take the following actions relating to Half Moon Bay Airport:

Board of Supervisors

1. Approve the creation of "displaced thresholds" for a 3400 foot runway.
2. Prepare a draft ordinance to prohibit all aircraft exceeding 12,500 pounds maximum gross weight (except in cases of emergency).
3. Prepare a zoning ordinance revision to create an "airport overlay zone" to provide in the approach areas for:
 - o industrial uses
 - o low intensity uses
 - o limitation of 5-10 people per acre ✓
 - o height restrictions

ALUC

Direct staff to proceed with the following implementation steps:

Approved Aug. 23, 1977

August 4, 1977

Prepare precise proposals for language revisions for the ALUC Plan, showing:

- o "clear zone" remaining as is
- o "approach zone" is redrawn to reflect a 3400 feet runway resulting from the displaced threshold
- o new noise contours resulting from these recommendations
- o development standards for "old" approach zone changed to reflect "airport overlay zone" described in #3 above.

BACKGROUND

At present, the adopted policies of the Airport Land Use Committee (ALUC) prohibit any structural development within the "approach areas" at the Half Moon Bay Airport. In the past, when the ALUC has denied applications for development within these approach areas, applicants have usually appealed that decision to the Board of Supervisors. The Board, on occasions, has reversed the decisions of the ALUC and has further announced its unwillingness to acquire more land around the Airport. The position of the Board, therefore, is in direct conflict with the policies of ALUC.

On June 9, 1977, a subcommittee of the Airport Land Use Commission met with Supervisors Royer and Lyon to review these basic differences. At that meeting, a compromise was reached whereby a request would be made to the FAA to create displaced thresholds at each end of the airport (a displaced threshold means that take-offs and/or landings are required to begin no closer than a specified distance from the end of the runway). These would pull in the approach zones to a point where they would be almost entirely on present County-owned property.

A meeting with staff from the Federal Aviation Administration and staff from the San Mateo County Planning Division was held on July 8, 1977. Tentative agreement was reached to permit the displacement of the thresholds for landings and allow the full runway length for take-offs. As part of this agreement, it was agreed that the County will request that a weight limit of 12,500 pounds be placed on aircraft using this facility to preclude use by large, noisy aircraft. The full length of the runway would remain available for emergency use.

HISTORY OF AIRPORT DEMAND

Demand at Half Moon Bay Airport has decreased in recent years. Operations of almost 100,000 annually in 1969 have decreased to an estimated 75,000 in 1974; based aircraft have dropped from the 1968 peak of 120 planes to 58 planes in 1974.

A great majority of aircraft presently using the Airport are within 12,500 pound limit and can be accommodated on the shorter runway. A very small percentage of present traffic is larger than 12,500 pounds. The County Airport Plan Consultant estimated that less than 7% of traffic would be twin-engine or larger in 1993 and a large percentage of these would probably be smaller twin-engine aircraft under 12,500 pounds. Since Half Moon Bay is somewhat isolated from the industrial concentrations in San Mateo County, most business aircraft users would have a preference for Bayside airports such as SFIA, San Carlos and Palo Alto. Other factors which reduce demand at Half Moon Bay are less favorable weather conditions than the Bayside and corrosive ocean air. Therefore, present and projected traffic would indicate that future demand does not warrant the 5,000-foot runway.

PROBLEMS AT AIRPORT

1. Concerns of residents and property owners. As with most airports, noise is the primary source of citizen complaints. Many citizens in the vicinity of the airport have voiced fears that larger (and noisier) aircraft could use it. Community sentiment was largely responsible for the Board's decision not to plan for an instrument landing system at Half Moon Bay.
2. ALUC/Board of Supervisors policies. The San Mateo County Airport Land Use Plan presently places severe development restrictions on some privately-owned land around the airport. The present ALUC policy stipulates that no structures be built within the 1000' x 2000' approach zones. This policy effectively prevents development of a large number of parcels at the south end of the airport and a few parcels at the north end where there are also ALUC noise policy restrictions to residential development.

The Board has decided that no more land will be acquired for approach protection at Half Moon Bay Airport. All land within the FAA clear zones for a visual approach airport has been acquired by the County. When the ALUC votes to deny a development application for a project within the approach zone, by State law, the Board may overrule the ALUC by a 4/5's vote. The Board has overruled the ALUC in two cases and there are likely to be more requests for development of similar parcels.

PROPOSED AIRPORT CONFIGURATION

Under the proposed plan, the existing runway structure would remain intact but a displaced landing threshold would be designated 800 feet from both ends of the runway. All aircraft approaching from either end of the runway must land inside the displaced threshold line to be painted 800 feet from the ends of the present 5,000-foot runway. The effective length of the runway is therefore 4,200 feet for landing purposes. For take-offs, aircraft may start at the existing end of the runway. The full take-off length will provide maximum safety and minimum noise impact, particularly at the north end of the runway.

August 4, 1977

The ALUC will be requested to relocate the Approach Zones to reflect the new displaced threshold. The "clear zones" and the adopted 34:1 approach slope will remain as they are now for the 5000' runway. Aircraft weight will be limited to 12,500 pounds.

PROPOSED AIRPORT OVERLAY ZONE

The land presently within the approach zones but outside the FAA clear zone will be proposed as an "airport overlay zone" where development would be restricted to low intensity, non-residential uses which would not cause a concentration of more than 10 persons per net acre. This overlay zone is intended for adoption and implementation by both the County and the ALUC.

AMENDMENTS TO ALUC PLAN

Airport Land Use Commission revisions to the Plan needed to reflect the new policies would include the following:

1. The text under "What are ALUC Policies? - Approach Zones" will be revised to include a description of the displaced thresholds at Half Moon Bay Airport and the FAA regulations relating to same.
2. The map of the Half Moon Bay Airport will be revised to show the thresholds and relocated approach zones.
3. The projected noise contours proposed for the County Airport Study which have been adopted by the ALUC will be recomputed to determine the effects of the new landing configuration.
4. The "overlay zone" will be shown on the map and land use restrictions described in the text of the County's Zoning Ordinance as well as in the ALUC Plan.

REVIEW

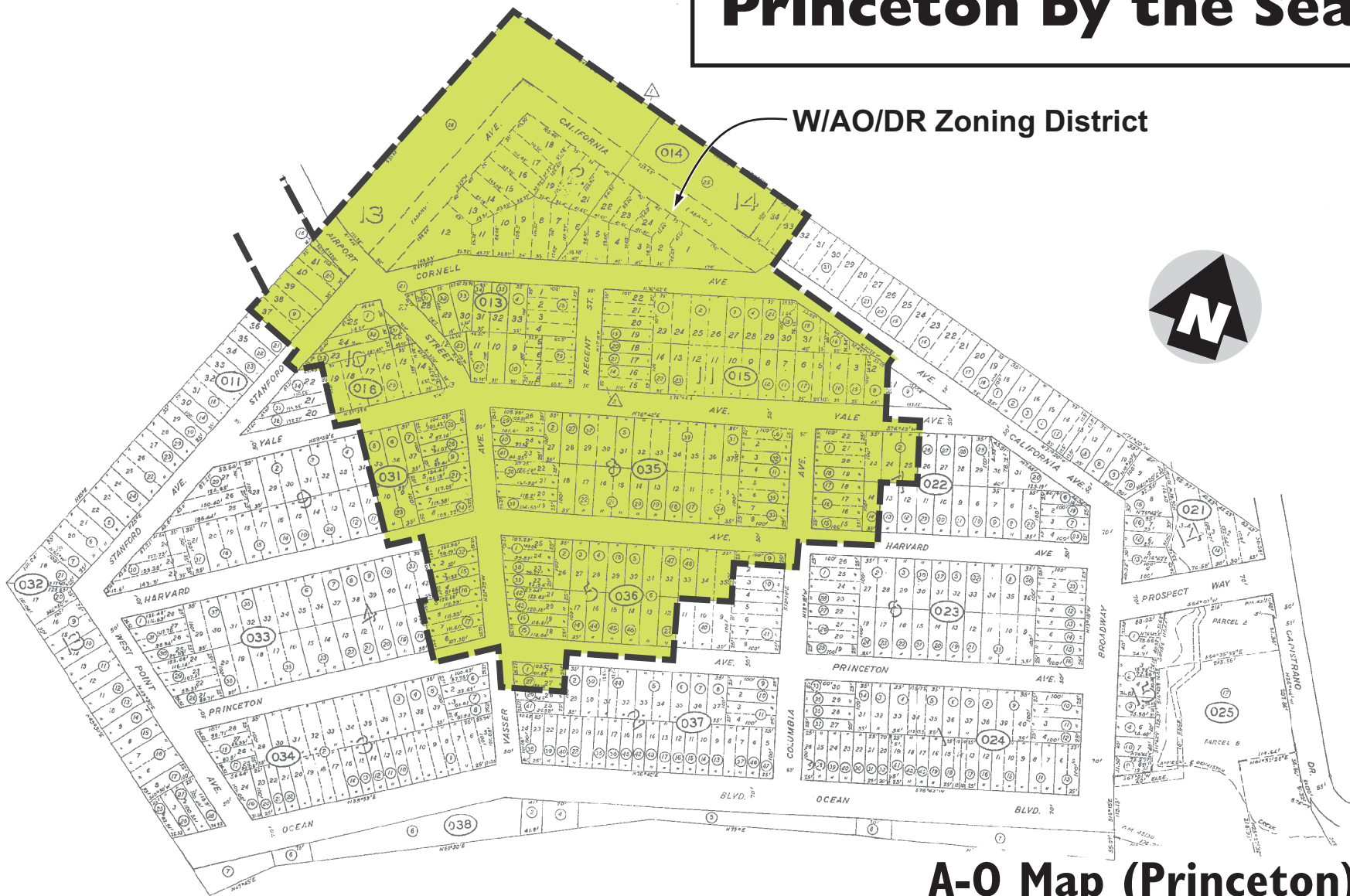
This report has been reviewed by members of the staff at FAA and by the County Public Works Department.

FUNDING

Staff costs can be absorbed within existing budget.

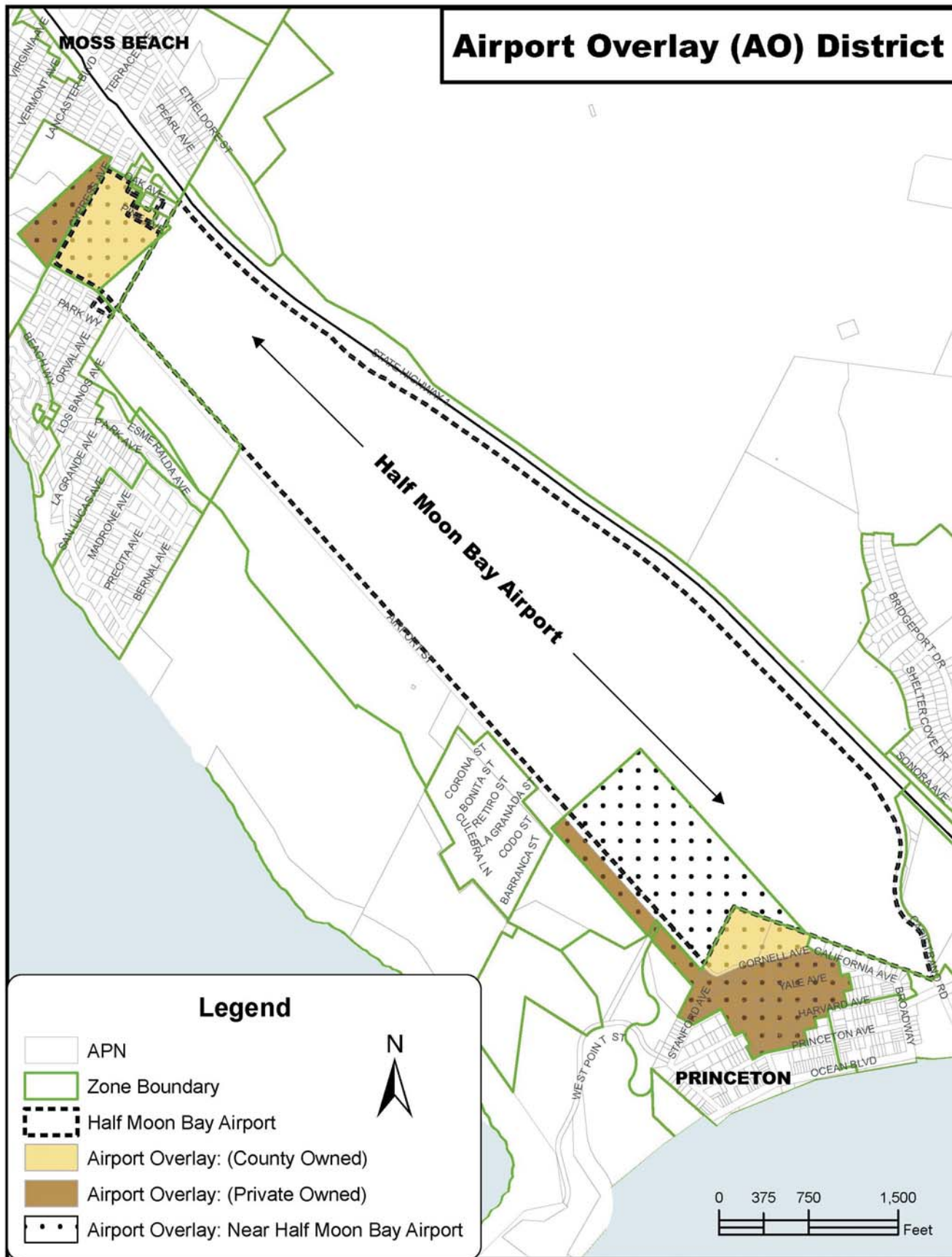
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Princeton by the Sea



A-O Map (Princeton)

Airport Overlay (AO) District





COUNTY OF SAN MATEO
Inter-Departmental Correspondence

INFORMATION ONLY

ALL SUPS RECD

Date: March 10, 2006

REVIEWED BY
COUNTY MANAGER

TO: Members, Board of Supervisors
via the County Manager

FROM: Neil R. Cullen, Director of Public Works

SUBJECT: Affects of the Half Moon Bay Airport Safety Zones on Development in the Princeton Area and the LCP Update

Development in the Princeton area is currently affected by three different airport safety zones: the Runway Protection Zone (RPZ) required by the FAA; the Approach Protection Zone (APZ) required by State law and as recommended by the County's Airport Land Use Commission (ALUC) (City County Association of Governments [C/CAG]); and the Airport Overlay (AO) Zone which is controlled by the County.

The County enacted the AO Zone in 1978 to comply with FAA conditions for their approval of the County's request to establish displaced thresholds at both ends of the Half Moon Bay Airport runway. The configuration of the AO Zone conformed to the original ALUC Approach Protection Zone based on the original design of the runway before displacement, and extended into Princeton to a point 2,200' from the end of the runway (i.e. the zone begins 200' beyond the runway end and extends outward 2,000' at a width of 1,000').

The Half Moon Bay Airport RPZ currently extends into Princeton to a point 1,900' from the end of the runway. The RPZ is a trapezoid 1,700' long with a 500' inner width, a 1,000' outer width beginning 200' from the end of runway. The Airport's RPZ's are being revised in accordance with current FAA guidelines as part of the Airport Layout Plan (ALP) update that Public Work's is currently doing. Subject to FAA approval, the Airport's revised RPZ's are expected to extend just 1,200 feet from the edge of the runway and fall entirely within Airport property.

The size and location of the APZ is determined by the County's ALUC in accordance with State guidelines. The current APZ for Half Moon Bay Airport extends into Princeton to a point 1,437' from the end of the runway. The APZ is a rectangle 2,000' long, 1,000' wide, beginning 200' from end of the runway's displaced threshold. Future updates or amendments of the Half Moon Bay Airport Comprehensive Land Use Plan (CLUP) will require the ALUC to *consider* the State's updated safety zone guidelines when determining the size of the airport's APZ's. These new guidelines are potentially more restrictive than those used to

RECEIVED

MAR 13 2006

COUNTY MANAGER

Members, Board of Supervisors
via the County Manager

**SUBJECT: Affects of the Half Moon Bay Airport Safety Zones on Development in the Princeton Area
and the LCP Update**

March 10, 2006

Page 2

develop the existing APZ's, and depending on the determination of the ALUC and C/CAG, could result in C/CAG recommending a revised APZ to your Board that extends further into Princeton than the current APZ.

Essentially, the size of the FAA required RPZ is shrinking while the guidelines for the size of APZ's required by the State are potentially expanding.

We concur with the Subcommittee's revised recommendations related to the AO Zone as discussed in the *Executive Summary: Midcoast Local Coastal Program (LCP) Update Project* from the Director of Environmental Services Agency dated February 14, 2006. However, we offer the following clarification and additional comments:

Clarification

The ALP document update currently underway includes the review of required FAA runway safety zones and approach surfaces as stated in the report. However, the discussion of "possible safety impacts from any proposed Airport changes, proposals made by FAA and State Division of Aeronautics, and suggested mitigation measures, such as avigation easements" will be addressed as part of any review or update of the Airport's APZ by the County ALUC.

Comments

1. Your Board may want to direct Public Works in conjunction with your consideration of your discussion of possible changes in the AO Zone, to:
 - a) request written confirmation from the FAA that they will not be supporting the requirements in their 1978 letter to the County related to the size and location of the Airport's approach zones;
 - b) include the proposed Airport Commercial Districts on the ALP currently being updated prior to submitting the document to the FAA for their formal review and approval if your Board approves of these Districts.
2. We also recommend that Avigation Easements be established as a requirement for all development in the Waterfront and Airport Overlay

Members, Board of Supervisors
via the County Manager


**SUBJECT: Affects of the Half Moon Bay Airport Safety Zones on Development in the Princeton Area
and the LCP Update**

March 10, 2006

Page 3

zoning districts if the RPZ is subsequently reduced in size by the FAA, to insure that future property owners are notified of possible aircraft flyovers related to the Half Moon Bay Airport.

Attached are two maps indicating the relative areas of the three zones (RPZ, APZ and AO) as currently exists, and the RPZ closest to Princeton as it is expected to exist subject to review and approval of the FAA. We are also including a copy of the excerpt from the Executive Summary dated February 14, 2006, that you will be considering at your regular meeting of March 14, 2006.



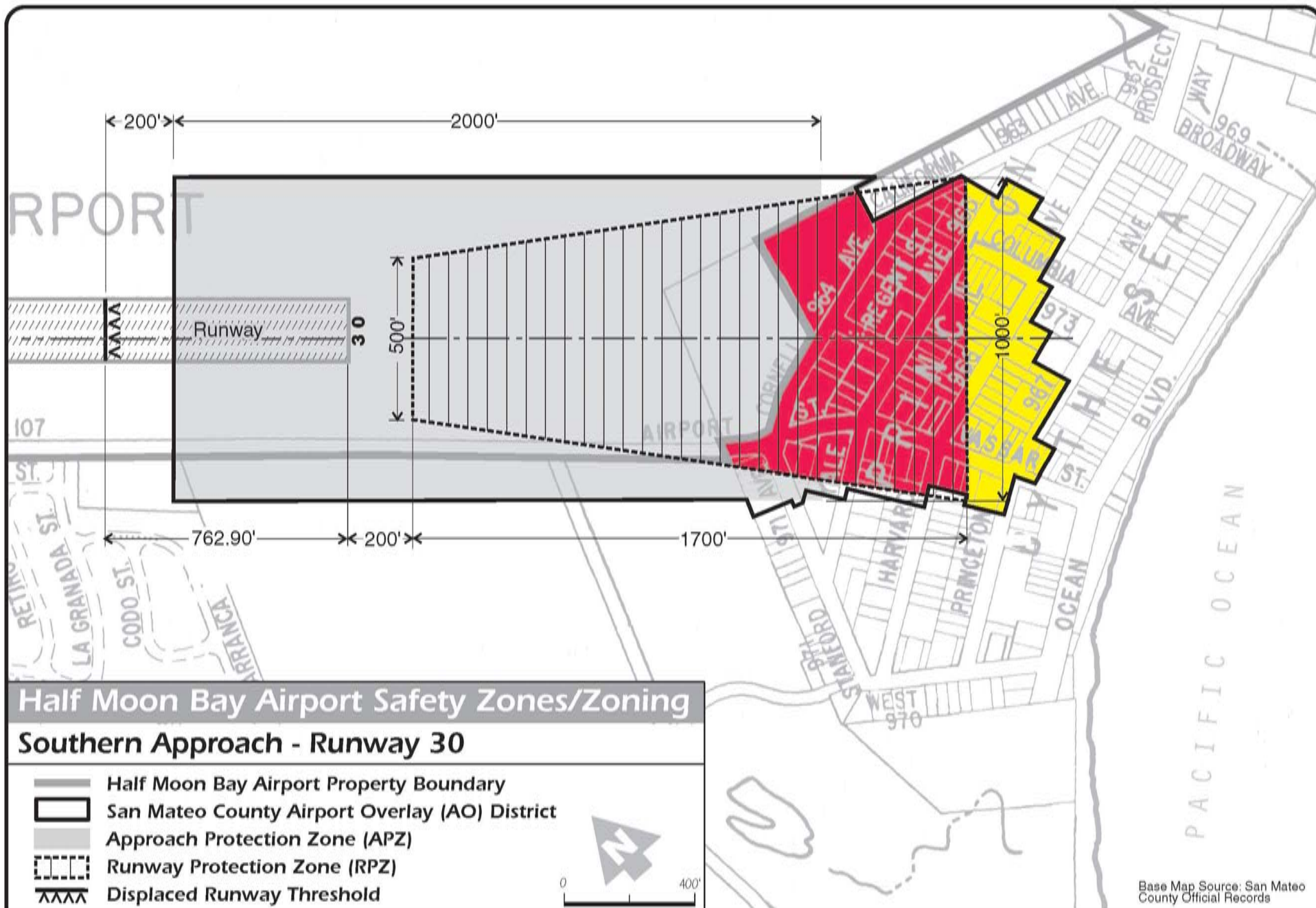
Neil R. Cullen
Director of Public Works

NRC:MCL:sdd

F:\USERS\ADMIN\AIRPORTS\HMB\Members BOS\2006\AOZones-LCPUpdate3-7-06Rev1Mar8.doc

Attachments: As indicated

cc: Marcia Raines, Director of Environmental Services Agency
Lisa Grote, Community Development Director
George Bergman, Zoning Hearing Officer
Donna J. Vaillancourt, Deputy Director, Administrative Services & Airports
Mark C. Larson, Airport Manager



San Mateo County Comprehensive Airport Land Use Plan
 San Mateo County • Airport Land Use Commission • December 1995

Half Moon Bay Airport
Land Use Plan



**Expected Size and Location of the RPZ closest to Princeton at
Half Moon Bay Airport – Subject to FAA Review and Approval**

800' x 1,000' x 700'

10. Increasing Commercial and Employment Opportunities

a. Background

The Midcoast is primarily a residential community with more housing than jobs. This contributes to traffic congestion during commute hours. Increasing commercial opportunities can create local jobs, reduce the jobs-housing imbalance and associated traffic congestion, and increase the local tax base.

The Planning Commission began to consider a proposal to permit new uses in the Waterfront (W) district at Princeton, including limited offices and retail businesses. The Commission also began to consider a proposal to permit commercial and office uses at two Half Moon Bay Airport sites that are not needed for airport-related activities. These areas are shown in Attachment 4.

The Planning Commission recommended deferring consideration of new permitted uses until the Half Moon Bay Airport Master Plan and Airport Land Use Commission (ALUC) aircraft safety zone evaluation are complete.

The Board tentatively approved deferring consideration of permitted uses at Princeton and Half Moon Bay Airport until the "Airport Layout Plan" portion of the Airport Master Plan and the safety zone ALUC evaluation are complete.

b. Subcommittee Recommendation

The Subcommittee recommends that the Board:

- (1) Tentatively approve revising the Waterfront "W" district regulations (Inland Area only) at Princeton to add employment generating commercial uses as permitted uses. The uses would include:**
 - Research and Development Facilities (up to 10,000 sq. ft. floor area per establishment)**
 - Indoor and Outdoor Wholesale Establishments (up to 10,000 sq. ft. indoor floor area per establishment)**
 - Administrative, Professional and Business Offices (up to 5,000 sq. ft. floor area per establishment)**

- **Indoor Retail Sales, Rental or Repair Establishments (up to 3,000 sq. ft. floor area per establishment, except for goods made on-site)**
 - **Construction and Maintenance Trades and Service Establishments**
 - **Artist's Studios**
- (2) Tentatively approve enacting a new Airport Commercial (AC) zoning district that would permit a full range of employment generating commercial uses for two sites at Half Moon Bay Airport. The uses would include:**
- **Indoor and Outdoor Retail Sales, Rental or Repair Establishments**
 - **Outdoor Retail Sales, Rental or Repair Establishments**
 - **Food and Beverage Stores**
 - **Personal Convenience Service Establishments**
 - **Restaurants**
 - **Food Establishments Specializing in Carry-Out or Delivery Service**
 - **Administrative, Professional and Business Offices**
 - **Financial Institutions**
 - **Medical and Dental Offices**
- (3) Tentatively approve rezoning the following two sites at Half Moon Bay Airport from M-1 to AC:**
- (a) 23 acres fronting Highway 1 in the northeast Airport area.**
 - (b) 9 acres fronting Capistrano Road in the southeast Airport area.**
- (4) Postpone final approval of the above amendments until the "Airport Layout Plan" portion of the Half Moon Bay Master Plan, and the ALUC safety zone evaluation to reduce aircraft accident risk are complete**

The Subcommittee believes that this approach will best provide increased opportunities for commercial land uses that can create local jobs, while still assuring that new development will not conflict with the principle of avoiding hazard risk.

11. Development Controls in the AO District

a. Background

The Airport Overlay (AO) is a combining zoning district that affects property located near Half Moon Bay Airport. The stated purpose of the AO district regulations is "to provide an extra margin of safety" at the end of the runway by limiting the concentration of people that may locate there. The AO district regulations limit the type and intensity of development otherwise permitted by the underlying Waterfront (W) district regulations. The AO zoning district is shown in Attachment 5.

Approximately 1/4 of the AO district is not subject to either federal (FAA) or regional (ALUC) safety protection zones.

The Planning Commission had begun to consider a proposal to reduce the size of the AO zone approximately 1/4, thereby eliminating the area that is not subject to FAA and ALUC safety protection zones. This area is also shown in Attachment 5.

The Planning Commission recommended that the Board revise the site intensity limit for the area not subject to the protection zones from three persons per site to one person per 1,667 sq. ft. Otherwise, the Commission recommended to defer consideration of reducing the size of the AO zone until the Half Moon Bay Airport Master Plan and ALUC safety zone evaluation are complete.

The Board tentatively approved postponing consideration of all changes to the AO district until the "Airport Layout Plan" portion of the Airport Master Plan and ALUC safety zone evaluation are complete.

In November, 2005, the Subcommittee recommended that the Board:

- (1) Revise the AO district to align with the FAA and ALUC protection zones.
- (2) Rezone the area outside revised AO district from W/AO to W.
- (3) Amend the site intensity limit for the AO district from three persons per site to one person per 1,667 sq. ft. (i.e. equivalent to three persons per 5,000 sq. ft.).
- (4) Postpone final approval of the above amendments until the "Airport Layout Plan" of the Half Moon Bay Airport Master Plan and ALUC safety protection zone evaluation are complete.

In December, 2005, members of the Board made the following requests:

- (1) Describe the history of the AO district including the limit of three persons per site and the Federal Aviation Authority's (FAA) involvement.
- (2) Evaluate increasing the site intensity limit for viable uses.

b. Response

In 1976, the Board of Supervisors requested that the FAA permit the County to decrease the effective length of the runway at Half Moon Bay Airport by 763 feet and lower the aircraft weight limit to 12,500 pounds. Among the reasons for the request were to reduce noise impacts on the surrounding area and to minimize the cost of land acquisition at the end of the Airport. Shortening the usable runway length was to be accomplished by creating a "displaced threshold" indicated by a painted line on the runway.

The FAA authorized the displaced threshold for aircraft landing only, subject to the condition that the County continue to protect the same surrounding area as before the displaced threshold. This means that approach protection zones would not change even though the effective runway length has been shortened for landings. This requirement has the effect of extending the safety zones 763 feet farther into Princeton than would be required if based on actual landings at the displaced threshold. Within this area, residential uses are prohibited and building height shall not intrude into a defined 34:1 approach slope. The FAA's requirements were intended to protect the affected area should use of the full runway length be restored in the future.

In 1978, the Airport Land Use Commission (ALUC) concurred with the FAA requirement. Subsequently, the Board of Supervisors established the displaced threshold and responded to the FAA requirements by enacting the AO district. Within the AO district, residential uses are prohibited, building height is limited to 36 feet, and in 1978, concentration of people was limited to 10 persons per net acre. The 10 persons per net acre limit appears to have been derived from an ALUC requirement.

In 1989, the Board of Supervisors sought to provide additional land use opportunities in the AO zone. The zoning regulations were amended to (1) increase the site intensity limit from ten persons per net acre to three persons per site, and (2) allow outdoor storage and indoor low impact manufacturing.

In 2004, the Planning Commission evaluated options to again increase land use opportunities and provide more flexibility in the AO district. The analysis

revealed that approximately 1/4 of the AO district is not subject to either FAA or ALUC protection zone requirements, and that the existing "three persons per site" intensity limit presents administrative shortcomings. More specifically, there are parcels of all sizes in the AO zone and no more than three persons would be permitted on each. As such, a 2,500 sq. ft. site and a 15,000 sq. ft. site would each be limited to three persons. This does not result in uniform area density, nor represent fair application to property owners.

As an alternative, the Planning Commission proposed relating the site intensity limit to the W district zoning minimum parcel size, which is 5,000 sq. ft. When administering the AO district regulations, a "site" could equal each 5,000 sq. ft. of parcel area, including portions thereof, as follows:

<u>SITE SIZE (sq. ft.)</u>	<u>MAXIMUM NUMBER OF PERSONS PER SITE</u>
Up to 1,667	1
1,668 – 3,334	2
3,335 – 5,000	3
5,001 – 6,667	4
6,668 – 8,334	5
8,335 – 10,000	6
10,001 – 11,667	7
11,668 – 13,334	8
13,335 – 15,000	9

Providing opportunities for viable commercial and industrial uses in the AO zone is frustrated by the 1978 FAA requirement that protection zones be based on the physical end of the runway rather than the displaced threshold, and thus affecting a larger area of Princeton.

The State Airport Land Use Planning Handbook (2002) provides safety compatibility guidelines for land uses located near the end of a runway. The Handbook identifies population concentration guidelines for general aviation airports in a *"Rural/Suburban (Mostly to Partially Undeveloped)"* setting, i.e., similar to that at Half Moon Bay Airport. If the safety zone requirements were to be based on the displaced threshold, the Handbook population concentration recommendations for an area like the AO zone would be as follows:

Population Characteristic	Maximum Number of Persons/Acre	Maximum Number of Persons/5,000 sq. ft.
Average Daily Population	25-40	2.9-4.6
Average Daily Population with Risk-reduction Building Design	37.5-60	4.3-6.9
Maximum Single Event Population	50-80	5.7-9.2
Maximum Single Event Population with Risk-reduction Building Design	75-120	8.6-13.8

Under this scenario, the Handbook recommends more people on a site than three persons per 5,000 sq. ft. parcel area.

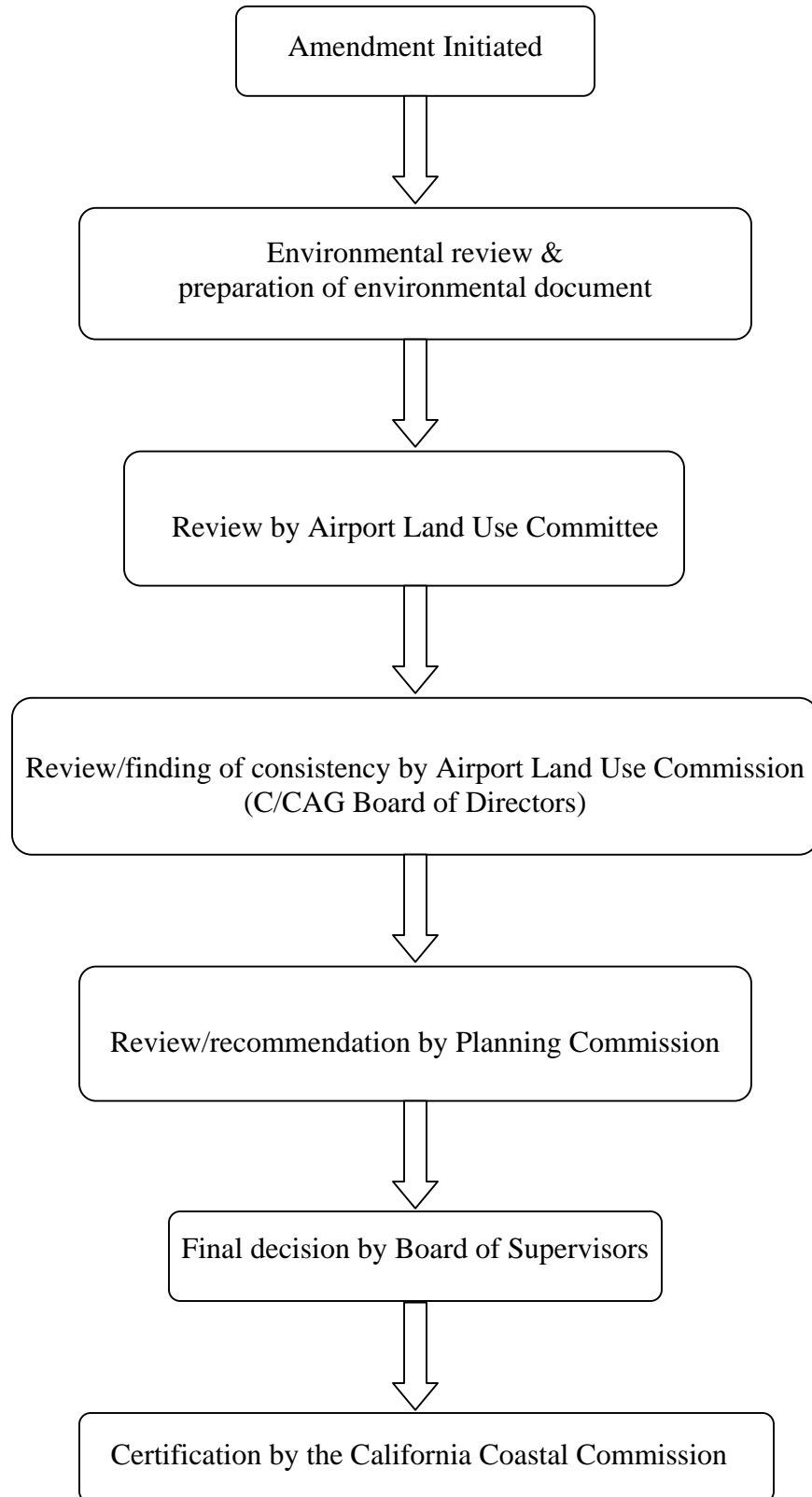
The County Public Works Department (DPW) is sponsoring preparation of the Half Moon Bay Airport Master Plan. DPW staff and a consultant are currently preparing the "Airport Layout Plan" component of the Master Plan, which is required by the FAA. This process includes review of required runway safety zones and "approach surfaces," and will discuss possible safety impacts from any proposed Airport changes, proposals made by FAA and State Division of Aeronautics, and suggested mitigation measures, such as avigation easements. DPW believes that the "Airport Layout Plan" will provide sufficient information to further evaluate possible changes to the AO district. For these reasons, DPW recommends that the Board postpone changing the AO district until the "Airport Layout Plan" is complete.

c. Revised Subcommittee Recommendation

The Subcommittee recommends that the Board:

- (1) **Revise the AO district to align with the FAA and ALUC protection zones.**
- (2) **Rezone the area outside revised AO district from W/AO to W.**
- (3) **Amend the site intensity limit for the AO district from three persons per site to one person per 1,667 sq. ft. of parcel area (i.e., equivalent to three persons per 5,000 sq. ft.).**
- (4) **Postpone final approval of the above amendments until the "Airport Layout Plan" of the Half Moon Bay Airport Master Plan and ALUC safety protection zone evaluation are complete.**
- (5) **After the "Airport Layout Plan" is complete, consider whether to request that the FAA and ALUC base the approach protection zones on the "displaced threshold," rather than on the physical end of the runway.**

Process to Amend the Airport Overlay (A-O) District





County of San Mateo - Planning and Building Department

ATTACHMENT M

C/CAG

City/County Association of Governments of San Mateo County

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay
• Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo
• San Mateo County • South San Francisco • Woodside

April 7, 2011

San Mateo County Planning Commission
ATTN: Jim Eggemeyer, Community Development Director
San Mateo County Planning and Building Department
455 County Center, Second Floor
Redwood City, CA 94063

**RE: Response to the Planning Commission's Request to the C/CAG
Airport Land Use Committee to Provide Comments on the People Per Site
Limit Options Being Considered by the Commission for Renewal of a Use
Permit for an Existing Wholesale Seafood Processing Plant in the Princeton
Area Near Half Moon Bay Airport (copy of request and project vicinity map
attached hereto)**

| Dear County Planning Commissioners:

The C/CAG Airport Land Use Committee (ALUC) considered the above-referenced request at its Regular Meeting on February 24, 2011. After a review of the staff report, the request from the Planning Commission and hearing from County Planning Staff and three public speakers, the Committee members discussed the issue among themselves. They did not take any formal action but via consensus, agreed to have the Committee Chair and ALUC Staff prepare a letter to the Commission. The following is my summation of the comments from the Committee, information received during the agenda item, and information received related to funding and planning issues related to this matter.

Summary of Input From the C/CAG Airport Land Use Committee (ALUC)

1. Support Existing County Zoning Restrictions

The Committee does not support deviating from the existing County Airport Overlay (A-O) District regulations, regarding people per site limits; the Commission should uphold the existing zoning; there appears to be no authority to waive the A-O District requirements in this case or any other case.

ALUC Chairperson:
Richard Newman
Aviation Representative

ALUC Vice Chairperson:
Ann Keighran, Council Member
City of Burlingame, California

C/CAG Airport Land Use Committee (ALUC) Staff:
David F. Carbone, Transportation Systems Coordinator/Airport
Environs Planning, San Mateo Co. Planning & Building Department
CCAG_ALUC Stationary Template2010.doc

Response to the San Mateo County Planning Commission's Request to the C/CAG Airport Land Use Committee to Provide Comments on the People Per Site Limit Options Being Considered by the Commission Related to Renewal of a Use Permit for a Wholesale Seafood Processing Plant in the Princeton Area Near Half Moon Bay Airport

April 7, 2011

Page 2 of 3

2. Consider the Timing of the Preparation of (1) an Update of the Airport Land Use Compatibility Plan (ALUCP) for the Environs of Half Moon Bay Airport (2) an Update of the Caltrans Airport Land Use Planning Handbook and (3) an FAA-funded Airport Layout Plan Update and Narrative Report for the Half Moon Bay Airport

The County Airports Division and C/CAG, in its role as the Airport Land Use Commission, are expecting to receive funding from Caltrans in this fiscal year to prepare an update of the Airport Land Use Compatibility Plan (ALUCP) for the environs of Half Moon Bay Airport. Upon receipt of the funds, the ALUCP update preparation could take up to 18-24 months to complete, including the required environmental review under the California Environmental Quality Act (CEQA).

The Caltrans Division of Aeronautics is currently preparing an update of the 2002 version of the *California Airport Land Use Planning Handbook*. The final version is expected to be published by July 2011. That document contains the state guidance to airport land use commissions for the preparation and update of their respective ALUCPs.

Concurrent with the ALUCP update, the County Airports Division will also be initiating an FAA-funded Airport Layout Plan Update and Narrative Report for the Half Moon Bay Airport. This update will include review of the existing and ultimate federal approach zones, safety zones, and airspace protection surfaces for the Airport.

These important and forthcoming updates will provide a basis on which the County and ALUC can review the A-O District people per site limit, and that until and unless those regulations change in the proper manner, the regulations appear to speak for themselves. The Committee understands that the alleged violations of the current use permit have existed in some aspects, for years. The Planning Commission may wish to set enforcement of corrective actions to a level of low priority as it appears has been the case for some time. If the Commission was comfortable in permitting same to continue until the ALUCP revisions and the Handbook update are completed, the result may be a more sensible approach to a fair resolution without a precedent being set of disregarding the A/O zone requirements.

Response to the San Mateo County Planning Commission's Request to the C/CAG Airport Land Use Committee to Provide Comments on the People Per Site Limit Options Being Considered by the Commission Related to Renewal of a Use Permit for a Wholesale Seafood Processing Plant in the Princeton Area Near Half Moon Bay Airport

April 7, 2011

Page 3 of 3

On behalf of the C/CAG Airport Land Use Committee (ALUC) members, I wish to express our collective thanks to the County Planning Commission for submitting this issue to the C/CAG Airport Land Use Committee (ALUC) for review and comment. I encourage the Commission to continue this practice and look forward to providing additional airport land use compatibility advice and comment to the Commission in the future.

Sincerely,



Richard M. Newman
ALUC Chairperson

Attachments: County Of San Mateo Planning and Building Department Memo to David Carbone, Transportation Systems Coordinator, from Summer Burlison, Project Planner, dated February 8, 2011, re: ALUC Agenda Request for February 24, 2011

County Of San Mateo Planning and Building Department Memo to David Carbone, Transportation Systems Coordinator, from Summer Burlison, Project Planner, dated February 10, 2011, re: Report Addendum to ALUC Agenda Request for February 24, 2011

Project Vicinity Map – Exclusive Fresh, Inc.

cc: C/CAG Airport Land Use Committee (ALUC) Members, w/attachments
Richard Napier, C/CAG Executive Director, w/attachments
Steve Monowitz, Co. of San Mateo Long Range Planning Services Manager, w/attachments
Summer Burlison, County of San Mateo Project Planner, w/attachments
Mark Larson, County of San Mateo Airports Manager, w/attachments



County of San Mateo - Planning and Building Department

ATTACHMENT M.1

MEMORANDUM

COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: February 8, 2011
TO: David Carbone, Transportation Systems Coordinator
FROM: Summer Burlison, Project Planner
SUBJECT: ALUC Agenda Request for February 24, 2011

This memorandum is to request time on the February 24, 2011 ALUC meeting agenda to discuss and collect comments on a Planning project being processed by the San Mateo County Planning and Building Department.

Request to ALUC

The Planning and Building Department is requesting the ALUC provide comments on the people per site limit options being considered by the Planning Commission (see Background/ Issue Section below) for a wholesale seafood processing plant in Princeton with respect to Airport Land Use Commission policies and/or standards for airport safety.

The decision before the Planning Commission regarding people per site limit options for the seafood processing plant site will not result in any change to the current Airport Overlay (A-O) Zone.

Project Description

The Current Planning Section is processing a Use Permit Renewal (County File No. PLN 2001-00553) for the continued operation of a wholesale seafood processing plant, Exclusive Fresh, Inc., located at 165 and 175 Airport Street (APNs 047-031-340 and 047-031-210, respectively) in the unincorporated Princeton area of San Mateo County. The project site is located at the northwest corner of Airport Street and Harvard Avenue. The site is zoned Waterfront/Airport Overlay/Design Review (W/A-O/DR).

Background

The Waterfront (W) Zoning District was intended as a "working waterfront" area for the location of marine-related trades and services and manufacturing uses that support commercial fishing and recreational boating activities. In order to protect and maintain the characteristics of a working waterfront, the district permits priority land uses such as marine-related industrial and commercial uses and restricts incompatible land uses that would conflict with the characteristics of a working waterfront.

The wholesale seafood processing plant is a principally permitted use within the Waterfront (W) Zoning District and is consistent with the purpose of the Waterfront (W) District as a “working waterfront” area.

Additionally, areas around airports are exposed to the possibility of aircraft accidents. Therefore, the Airport Overlay (AO) District was established to provide a margin of safety at the ends of the nearby Half Moon Bay Airport runways by limiting the concentration of people where hazards from aircraft are considered to be the greatest. The subject project site is within the A-O District. The A-O District restricts uses to a maximum of 3 people on-site¹ at any one time. The overlay zone was intended to restrict proposed development to low intensity, non-residential uses. When adopted in 1980, the A-O District limited the concentration of people to no more than 10 persons per net acre. The land use intensity criterion was consistent with the intensity criterion adopted by the Airport Land Use Commission under the Airport Land Use Plan of 1981. In order to provide additional land use opportunities in the A-O zone, the County Board of Supervisors amended the A-O District in 1990, to increase the concentration of people to 3 persons per site at any one time.

Airport Related Issue

On January 12, 2011, the San Mateo County Planning Commission held a public hearing on the project and continued the item with direction for Planning staff to refer the project to the Airport Land Use Committee for review and comment on the airport related issue of people per site limits.

The seafood processing plant conducts business 6 days a week (Monday - Saturday) and currently employs 28 people with anywhere from 3 to 23 people on-site at any time; thereby exceeding the people per site limit of the A-O Zoning District.

The Planning Commission is considering their options for allowing the continued operation of the seafood processing plant given the current operation exceeds the people per site limit allowed under the Airport Overlay District; the options being considered include:

1. Enforce the current people per site limits of the Airport Overlay District, as adopted by the Board of Supervisors. This option would require the business to comply with a maximum of 7 people on the premises at any one time (given a parcel size of 11,705 sq. ft.).
2. Allow an increased people per site limit based on California Building Code Occupancy Limits which would result in a total of 87 people allowed on-site at any one time. The California Building Code, adopted by the County of San Mateo, establishes maximum occupancy limits per sq. ft. based on uses. The Building Inspection Manager has reviewed the floor plan of the existing processing plant and calculated that Building Code would allow a maximum building occupancy of 87 people. Occupancy limits under the California Building Code are enforced by the local Fire Department jurisdiction.

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¹ In accordance with County policy, each 5,000 sq. ft. of a given parcel/operation constitutes a single “site.”



County of San Mateo - Planning and Building Department

ATTACHMENT M.2

MEMORANDUM

COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: February 10, 2011
TO: David Carbone, Transportation Systems Coordinator
FROM: Summer Burlison, Project Planner
SUBJECT: Report Addendum for ALUC Agenda Request for February 24, 2011

This report addendum is to clarify the Planning Commission's consideration of options for allowing the continued operation of the seafood processing plant given the current operation exceeds the people per site limit allowed under the Airport Overlay District, and includes the following:

1. Enforce the current people per site limits of the Airport Overlay District, as adopted by the Board of Supervisors. This option would require the business to comply with a maximum of 7 people on the premises at any one time (given a parcel size of 11,705 sq. ft.).
2. Allow an increased density limit based on:

Daily work hours, which could result in a total of 14 people allowed on-site at any one time Monday – Saturday (based on a 12-hour workday) and 21 people on Saturday (based on an 8-hour workday). These limits are based on the business operation's daily work shift schedule. While the business is in operation Monday through Saturday and closed on Sundays, the processing plant does not operate on a standard 8:00 a.m. to 5:00 p.m. daily work schedule. The greatest number of employees (22-23) on-site is during the morning hours from 5:00 a.m. to 10:00 a.m. and decreases to 3-4 employees by 1:00 p.m. Additionally, the business closes at 11:00 a.m. on Saturdays.

One example could be to limit the on-site density to an hourly basis applicable to the business's hourly work shift schedule. If a "work shift" is considered to be a one-hour period of time, and there are 24 hours (or work shifts) in a day with 7 people allowed per work shift, then a total of 168 employees could rotate through the site per day (7 people per work shift x 24 one-hour shifts = 168 people per 24-hour day). Since the business runs an estimated 12-hour workday (Monday through Friday), the total number of people on any one-hour shift during the 12-hour workday would be 14 (168 people per day/12 one-hour shifts = 14 people per one-hour shift). Additionally, the total density using the above formula would be modified to an 8-hour workday for Saturdays. Thus, the total number of people on any one-hour shift during the 8-hour Saturday workday would be 21 (168 people per day/8 one-hour shifts = 21 people per one-hour shift).

Given that the business work schedule runs on an hourly basis and the A-O District allows a maximum of 7 people on-site at any one time, this option could provide a reasonable density increase to 14 people on-site during any hour during the workweek (Monday through Friday, based on an estimated 12-hour workday) and a density limitation of 21 people on-site during any hour on Saturdays (based on an estimated 8-hour workday), with a default of 7 people on-site during any non identified work hour.



County of San Mateo - Planning and Building Department

ATTACHMENT N

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

DATE: June 8, 2011

TO: Planning Commission

PROJECT FILE

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Use Permit Renewal, Variance, and Coastal Development Permit Exemption to (1) allow the continued operation of a wholesale seafood processing business, and (2) grant an exception to the maximum lot coverage allowed in the Waterfront Zoning District, located at 165 and 175 Airport Street in the unincorporated Princeton area of San Mateo County.

PROPOSAL

The applicant has applied for a use permit renewal (PLN 2001-00553) for the continued operation of a wholesale seafood processing business on two adjacent parcels at the corner of Airport Street and Harvard Avenue, addressed as 165 and 175 Airport Street, in the unincorporated Princeton area of San Mateo County. The combined parcels total 11,705 sq. ft. and include a two-story 7,020 sq. ft. warehouse used as a seafood processing plant known as Exclusive Fresh, Inc.

The applicant has also applied for a Variance and Coastal Development Permit Exemption (PLN 2010-00250) to exceed the maximum allowed lot coverage (60%) within the Waterfront Zoning District in order to legalize an unpermitted roof structure (1,194.18 sq. ft.) over the crab processing area located at the northwest (rear) corner of the parcel. Existing permitted lot coverage is 59.97%. A variance would increase the lot coverage to 70.17%. As discussed in Section A.1 of the staff report, staff is unable to recommend that you make the required findings necessary to support a variance.

RECOMMENDATION

1. Hold the Use Permit Renewal, County File Number PLN 2001-00553, in abeyance for an interim period of time (two years) subject to the interim operating conditions listed in Attachment A, while updates to the Airport Land Use Compatibility Plan (ALUCP) for the Half Moon Bay Airport and County Zoning Regulations are being processed.
2. Deny the Variance and Coastal Development Permit Exemption, PLN 2010-00250, by making the findings listed in Attachment A.

SUMMARY

Use Permit PLN 2001-00553, which allows the operation of an existing wholesale seafood processing plant at 165 and 175 Airport Street in Princeton, expired on November 6, 2002. The owner submitted an application for renewal on January 27, 2010, following notification from the County of the expired use permit. Additionally, a Variance and Coastal Development Permit Exemption application was later submitted on August 13, 2010, to exceed the maximum lot coverage of the Waterfront (W) Zoning District to legalize an existing unpermitted 1,197.18 sq. ft. roof structure at the rear of the warehouse.

Several public hearings have been held on the project applications to address site compliance issues, confirm noise level and odor compliances, review parking and stormwater and drainage concerns, analyze the request for a variance, and research and discuss the Airport Overlay (A-O) District regulation regarding the maximum number of people allowed on-site (given the existing operation exceeds the allowed), including research on the Half Moon Bay Airport, establishment of the current A-O District regulation for limiting concentrations of people, consideration of alternative people per site limits for the project site, and referral of alternative people per site limit considerations to the Airport Land Use Committee (ALUC) for review and comment.

Based on staff's research to date regarding the people per site limit of the A-O District, including response from the Airport Land Use Committee (ALUC) regarding the matter, and testimony by ALUC staff at the April 27, 2011 Planning Commission public hearing, staff is recommending the use permit renewal be held in abeyance for an interim period of two (2) years while the Airport Land Use Compatibility Plan (ALUCP) for the Half Moon Bay Airport and subsequent, or concurrent, County Zoning Regulations are being updated. Staff is recommending interim operating conditions during this interim period of time, including holding the number of people allowed on-site in abeyance to allow the business to continue operating with the same site occupancy limits as currently identified by the applicant's daily work schedule.

In addition, staff is unable to make the required findings necessary to support a variance (PLN 2010-00250) to allow the project site to exceed the maximum lot coverage allowed in the Waterfront (W) Zoning District. Therefore, a condition of approval has been recommended that requires the applicant to obtain a demolition permit to remove the unpermitted structure within thirty (30) days of final approval of the recommended interim operating conditions.

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

DATE: June 8, 2011

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit Renewal, Variance, and Coastal Development Permit Exemption, pursuant to Sections 6500, 6530, and 6328.5 of the San Mateo County Zoning Regulations, respectively, to (1) allow the continued operation of a wholesale seafood processing business, and (2) grant an exception to the maximum lot coverage allowed in the Waterfront Zoning District, located at 165 and 175 Airport Street in the unincorporated Princeton area of San Mateo County.

County File Numbers: PLN 2001-00553 and PLN 2010-00250 (Bruno)

PROPOSAL

The applicant has applied for a use permit renewal (PLN 2001-00553) for the continued operation of a wholesale seafood processing business on two adjacent parcels at the corner of Airport Street and Harvard Avenue, addressed as 165 and 175 Airport Street, in the unincorporated Princeton area of San Mateo County. The combined parcels total 11,705 sq. ft. and include a two-story 7,020 sq. ft. warehouse used as a seafood processing plant known as Exclusive Fresh, Inc.

The applicant has also applied for a Variance and Coastal Development Permit Exemption (PLN 2010-00250) to exceed the maximum allowed lot coverage (60%) within the Waterfront Zoning District in order to legalize an unpermitted roof structure (1,194.18 sq. ft.) over the crab processing area located at the northwest (rear) corner of the parcel. Existing permitted lot coverage is 59.97%. A variance would increase the lot coverage to 70.17%. As discussed in Section A.1 of the staff report, staff is unable to recommend that you make the required findings necessary to support a variance.

RECOMMENDATION

1. Hold the Use Permit Renewal, County File Number PLN 2001-00553, in abeyance for an interim period of time (two years) subject to the interim operating conditions listed in Attachment A, while updates to the Airport Land Use Compatibility Plan (ALUCP) for the Half Moon Bay Airport and County Zoning Regulations are being processed.
2. Deny the Variance and Coastal Development Permit Exemption, PLN 2010-00250, by making the findings listed in Attachment A.

BACKGROUND

Report Prepared By: Summer Burlison, Project Planner, Telephone 650/363-1815

Applicant/Owner: Philip Bruno

Location: 165 and 175 Airport Street, Princeton

APNs: 047-031-340 and 047-031-210, respectively

Project Site Area: 11,705 sq. ft.

Existing Zoning: W/AO/DR (Waterfront/Airport Overlay/Design Review)

General Plan Designation: General Industrial

Existing Land Use: Wholesale Seafood Processing Plant

Water Supply: Coastside County Water District

Sewage Disposal: Granada Sanitary District

Flood Zone: FEMA Flood Zone Map indicates the parcel is located in Zone C, area of minimal flooding, per Community Panel No. 060311 0113 B, effective July 5, 1984.

Environmental Evaluation: Categorically exempt under Section 15301, Class 1 of the California Environmental Quality Act, regarding the continued operation of an existing facility.

Setting: The seafood processing plant includes two parcels at the northwest corner of Airport Street and Harvard Avenue. Assessor's Parcel Number 047-031-340 (corner parcel) is addressed as 165 Airport Street and was constructed as a two-story warehouse building and Assessor's Parcel Number 047-031-210 (interior parcel), addressed as 175 Airport Street, was constructed as a one-story warehouse building. The two buildings have been joined to form the current wholesale seafood processing plant, Exclusive Fresh, Inc. and include seafood processing areas, office areas, storage areas, and freezers. The majority of daily business activity is conducted between early to late mornings. The surrounding area is primarily comprised of industrial-related uses.

Background: On April 27, 2011, the Planning Commission continued this project to allow staff time to (1) continue working with the applicant on addressing the variance findings, (2) continue following up with the Granada Sanitary District and applicant on stormwater and wastewater discharge, and (3) develop a formal recommendation on the project applications, PLN 2001-00553 (Use Permit Renewal) and PLN 2010-00250 (Variance and Coastal Development Permit Exemption).

DISCUSSION

A. KEY ISSUES

1. Findings for the variance, PLN 2010-00250, to exceed lot coverage to legalize the unpermitted roof structure over the outdoor crab processing area.

As previously mentioned, the requested variance would allow the project to exceed the 60% maximum lot coverage allowed in the Waterfront (W) Zoning District. Existing permitted lot coverage is 59.97%. Approval of the variance would increase the lot coverage to 70.17% and allow the applicant to further pursue legalizing the 1,197.18 sq. ft. unpermitted roof structure at the northwest (rear) corner of the parcel.

Despite continued coordination between Planning staff and the applicant on the variance request and findings, staff is unable to recommend the findings to support a variance to allow the project site to exceed the maximum lot coverage allowed in the Waterfront (W) Zoning District, as initially reported in a staff report for the project site dated January 12, 2011. Therefore, the applicant would be required to demolish the unpermitted structure (subject to a demolition permit).

Staff's understanding from the applicant is that the applicant is actively researching the feasibility of purchasing property adjacent to the project site to alleviate exceeding the maximum allowed lot coverage. If pursuit of this alternative option were successful, the applicant would still be required to obtain a building permit to legalize the unpermitted roof structure.

Therefore, Condition of Approval No. 4 has been included to require the applicant obtain a demolition permit within thirty (30) days of final approval of the recommended Interim Operating Conditions, or submit verification that the purchase of adjacent property (of adequate size to comply with lot coverage) has been completed within this specified timeframe.

2. Stormwater and drainage.

The applicant's drainage plan was referred to the Granada Sanitary District for review as to whether stormwater from the site can drain into the sanitary sewer system. As of the preparation date of this staff report, the Granada Sanitary District review is still pending. As of the most recent discussion with the District, a staff engineer was intending on visiting the project site; however, confirmation is still pending on whether this site visit has already occurred. Therefore, in consultation with District staff, a condition has been added that the applicant will be required to comply with, or address, any comments or additional conditions received by the Granada Sanitary District regarding their (pending) review of stormwater and wastewater discharge at the project site. Any changes required by the Granada Sanitary District shall be reviewed and approved by the County Department of Public Works and Planning Department. Staff has requested that the Granada Sanitary District provide an update on their review and/or comments to staff by June 22, 2011.

In accordance with Section A.1 of the County's Municipal Regional Stormwater NPDES Permit, only stormwater shall be discharged to the (County) storm drain system. During rainfall events, exterior sump pumps are turned off causing concern that any site wastewater and debris from the business operation that is discharged outside of the building flows into the nearby County storm drain systems.

The applicant has indicated that all processing activities related to the business are conducted indoors and that daily clean up is the only time when processing waste and debris has the potential to overflow/discharge outside of the building. Therefore, during rainfall events when exterior sump pumps are turned off and waste and debris from clean up activities overflows outside of the building, it mixes with stormwater and flows into the nearby County storm system.

To address this issue, the applicant will implement new clean up procedures (see Attachment C) which require all debris to be contained inside the building and disposed of in waste bins and/or washed to interior sump pumps and filters. Additionally, left over packing ice will be required to be disposed of within the building and not left outside of the building since the areas within the building are connected to drains that connect to the sanitary sewer system. This will prevent packing ice from being left in front of the building to melt and potentially mix with stormwater and/or intrude into the County storm drain systems.

The new procedures will be distributed to staff supervisors for implementation. In addition, a condition of approval has been included to require all employees (existing and future) be properly trained to comply with these daily clean up rules/instructions and that these rules be posted in plain sight within the building at all times and in a format that is legible to any employee for reference.

In addition, the applicant will be required to install a 6-inch concrete curb or solid wall along the west perimeter of his property line to prevent any water or debris from spilling over onto the adjacent property. A condition of approval has been included to allow the applicant thirty (30) days from final approval of recommended Interim Operating Conditions to apply for and be issued a building permit to construct this structure.

3. Use Permit Renewal, PLN 2001-00553.

The project parcels are within the Airport Overlay (A-O) District, which limits the concentration of people on a site to no more than three persons at any one time. In accordance with County policy, each 5,000 sq. ft. of a given parcel/operation constitutes a single "site." Thus, the seafood processing plant site is allowed a total of seven (7) people at any one time because the parcel on which the plant is located is 11,705 sq. ft. in size.¹

¹ The County's practice would be to count any fractional/remaining portions. Therefore, the additional lot area over 10,000 sq. ft. would allow one additional person.

The current business employs approximately 28 people, although based on the operation's typical work schedule, not all (28) employees are on-site at a time. A majority of employees are on-site during the early morning hours with staff decreasing throughout the late morning to early afternoon. This schedule accommodates early morning processing and delivery truck loading activities with clean up and office work activities (which require less employees) conducted during the afternoons.

Currently, the Airport Land Use Commission (C/CAG Board) is in the process of obtaining funding allocation from the State to update the Airport Land Use Compatibility Plan (ALUCP)² for the environs of the Half Moon Bay Airport. Additionally, CalTrans is preparing an update to the 2002 California Airport Land Use Planning Handbook³ for the Half Moon Bay Airport and the County Department of Public Works intends on pursuing an FAA funded update to the Airport Layout Plan and Narrative Report for the Half Moon Bay Airport. The County would subsequently, or concurrently, be required by State law to review and update the County's Zoning Regulations to be consistent with the policies of the Half Moon Bay Airport ALUCP. It is understood that the anticipated ALUCP updates will include review of safety operations, compatibility, and concentrations of people around the Half Moon Bay Airport. Thus, the ALUCP updates could require the County to amend applicable Zoning Regulations affecting the Waterfront (W) Zoning District and/or Airport Overlay (A-O) District. The A-O District is applicable at both ends of the Half Moon Bay Airport (i.e., Princeton area and Moss Beach area).

Therefore, based on staff's research to date regarding the people per site limit of the A-O District, including response from the Airport Land Use Committee (ALUC) regarding the matter, and testimony by ALUC staff at the April 27, 2011 Planning Commission public hearing, staff is recommending the use permit be held in abeyance for an interim period of two (2) years while the ALUCP and subsequent, or concurrent, County Zoning Regulations are being updated. Staff is recommending Interim Operating Conditions (see Attachment A) which would be applicable during the interim period of time, including holding the number of people allowed on-site in abeyance to allow the business to continue operating with the same site occupancy limits as currently identified by the applicant's daily work schedule (see Attachment D). The applicant would be required to apply for an extension of time to continue operating under the approved Interim Operating Conditions within six (6) months of expiration, or apply for a new use permit within thirty (30) days of final approval of any County Zoning Regulations amendment(s) to the Waterfront (W) District and/or Airport Overlay (A-O) District, whichever occurs first. The use would then be subject to the zoning regulations in effect at that time.

B. ENVIRONMENTAL REVIEW

Categorically exempt under Section 15301, Class 1 of the California Environmental Quality Act, regarding the continued operation of an existing facility.

² Process estimated to take 18-24 months to complete, upon receipt of funding expected this fiscal year.

³ Final version expected to be published by July 2011.

C. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Airport Land Use Committee
State Department of Public Health, Food and Drug Branch
Granada Sanitary District
Coastside County Water District
Recology of the Coast (formerly Seacoast Disposal)
Department of Fish and Game
California Coastal Commission
Midcoast Community Council
Princeton Citizens Advisory Committee
Princeton-by-the-Sea Homeowners Association

ATTACHMENTS

- A. Recommended Findings and Interim Operating Conditions of Approval
- B. Vicinity/Zoning Map
- C. Exclusive Fresh, Inc., Daily Clean Up Procedures, dated May 18, 2011
- D. Daily Work Schedule

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County of San Mateo
Planning and Building Department

**RECOMMENDED FINDINGS AND
INTERIM OPERATING CONDITIONS OF APPROVAL**

Project File Numbers: PLN 2001-00553 and PLN 2010-00250 Hearing Date: June 8, 2011

Prepared By: Summer Burlison, Project Planner For Adoption By: Planning Commission

**RECOMMENDED FINDINGS FOR DENIAL OF VARIANCE AND COASTAL
DEVELOPMENT EXEMPTION, PLN 2010-00250**

Regarding the Variance and Coastal Development Permit Exemption, Find:

1. That the parcel's location, size, shape, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity. The project site is comprised of two adjacent, flat, rectangular shaped parcels (11,705 sq. ft. in size) with each parcel being a minimum of 5,000 sq. ft. The minimum building site in the Waterfront (W) District is 5,000 sq. ft. Both separately and cumulatively, the subject site meets the minimum required lot size. Furthermore, surrounding parcels within the vicinity are of similar shape, size, and topography.
2. That without the variance, the landowner would not be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity. The Princeton area is comprised of a mix of commercial and industrial uses with some residential uses interspersed. The existing seafood processing plant is a principally permitted use within the Waterfront Zoning District. Without the variance to exceed lot coverage, the property could still accommodate a principally permitted use.
3. That the variance would grant the landowner a special privilege, which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity. Staff has researched surrounding developed sites within the Princeton area and confirmed that existing surrounding development complies with the lot coverage restriction of the Waterfront Zoning District. Furthermore, any unknown developed sites in the area that do not comply with the Zoning Regulations would not create an entitlement to a variance for the project site.

**RECOMMENDED INTERIM OPERATING CONDITIONS OF APPROVAL FOR USE
PERMIT RENEWAL, PLN 2001-00553**

Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Planning Commission on June 8, 2011. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director.
2. The Interim Operating Conditions shall be valid for two (2) years from final approval. The applicant shall apply for an extension of time to continue operating under these Interim Operating Conditions and pay applicable permit extension fees six (6) months prior to expiration of final approval, on June 22, 2013, if continuation of this use is desired, or apply for a new use permit within thirty (30) days of final approval of any County Zoning Regulations amendment(s) to the Waterfront (W) District and/or Airport Overlay (A-O) District, whichever occurs first. The use (and maximum allowed site occupancy) would then be subject to the zoning regulations in effect at that time.
3. There shall be an annual administrative review with the payment of applicable fees, for compliance with these conditions of approval. If the County finds that the use is not in compliance with the conditions of approval, the applicant shall have thirty (30) days to comply with the terms of the approved Interim Operating Conditions or apply for an amendment to the Interim Operating Conditions, including payment of any applicable amendment fees. Failure to comply with either action will result in the initiation of use permit revocation proceedings.
4. Any change in use or intensity shall require an amendment to the Interim Operating Conditions, including an application for amendment, payment of applicable fees, and consideration at a public hearing.
5. Within thirty (30) days of final approval, the applicant shall apply for, and be issued a demolition permit to remove the unpermitted rear roof structure, or submit verification to the Planning Department that the purchase of adjacent property (of adequate size to comply with lot coverage) has been completed. The unpermitted roof structure shall be completely removed and a final inspection completed within ninety (90) days of demolition permit issuance. Please contact the Building Inspection Section at 650/599-7311 to obtain information on applying for a demolition permit.
6. The applicant shall maintain a valid permit from the California Department of Public Health, Food and Drug Branch. If the required permit is ever revoked, the applicant shall inform the Current Planning Section of revocation within ten (10) business days of receiving notice of such revocation.
7. The applicant is responsible for providing continual maintenance and replacement, as necessary, of the existing four trees along Harvard Avenue and two trees along Airport Street.

8. The number of employees allowed on-site shall be held in abeyance to allow the business to continue operating with the same occupancy limits as currently identified by the business's daily work schedule, as indicated below:

<u>Monday – Friday</u>	
Time	Number of Employees On-Site
3:00 a.m.	11
4:00 a.m.	14 – 15
5:00 a.m. – 10:00 a.m.	22 – 23
10:00 a.m. – 1:00 p.m.	12
1:00 p.m. – varied close time	3-4

<u>Saturday</u>	
Time	Number of Employees On-Site
3:00 a.m.	11
4:00 a.m.	14 – 15
5:00 a.m. – 11:00 a.m.	22 – 23

<u>Sunday</u> – CLOSED

9. All garbage dumpster lids must remain closed when not in use to contain litter, odor, and prevent pollution and pests.
10. Garbage dumpsters shall be located behind the six (6) foot high fence/gate along Airport Street during non-business hours to reduce visual impacts.
11. All trash and debris on the site shall be picked up daily and disposed of in accordance with the business's Daily Clean Up Procedures dated May 18, 2011 outlined as followed:
- All debris left from the day's work shall be contained inside the building, swept or scooped up, and disposed of in waste bins. When hosing down the inside area, spray toward the inside sumps and clear debris from filters and dispose of in waste bins.
 - Any debris found outside the building shall be swept up and disposed of in waste bins.
 - All debris shall be scooped up before hosing any outside areas down. DO NOT hose any debris into the gutters in front or on the Harvard side of building or on to any neighboring properties.
 - All packing ice shall be disposed of within the building and shall not be left to melt outside of the building.

- e. Supervisors shall check the area daily to ensure that all debris is disposed of properly, in accordance with the above-described procedures.
- 12. The Daily Clean Up Procedures dated May 18, 2011 shall be distributed to staff supervisors for implementation. It shall be the applicant's responsibility to ensure that all employees (existing and future) be properly trained to comply with these daily clean up rules.
- 13. The Daily Clean Up Procedures shall be posted in plain sight within the building at all times and in a format that is legible to any employee for reference.
- 14. Within thirty (30) days of final approval, the applicant shall apply for and be issued a building permit to construct a 6-inch concrete curb or solid wall along the west perimeter of the property line to prevent any water or debris from spilling over onto the adjacent property. The concrete curb or solid wall shall be constructed and a final inspection completed within ninety (90) days of building permit issuance. Please contact the Building Inspection Section at 650/599-7311 to obtain information on applying for a building permit.
- 15. The applicant shall maintain the perimeter chain link fence with slats in good condition. Any damage to the fence shall be promptly repaired. All repairs shall match the appearance, materials, and workmanship of the fence as originally constructed.
- 16. Odors detectable without instruments beyond the boundaries of the "Waterfront" District shall not be permitted.
- 17. Noise levels from the site shall not exceed the noise standards from Section 6289.1 of the Waterfront (W) Zoning District.
- 18. All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.
- 19. Vibration from the site, perceptible without instruments on adjoining property, shall be prohibited except for temporary construction operations.
- 20. It is the applicant's responsibility to ensure that any vehicle related to the business (including work vehicle, employee vehicle, customer or delivery vehicle) does not impede through traffic along any public right-of-way. Business-related vehicles shall be parked on authorized private property when parked for long periods.
- 21. It is the applicant's responsibility to ensure that all delivery trucks associated with the business are scheduled and managed in a manner such that on-site parking accommodations are available.

Department of Public Works

- 22. No washdown areas or facilities used for collecting waste associated with seafood processing shall be discharged to any storm drain system.

Granada Sanitary District

23. Any washdown areas or facilities used for collecting waste associated with seafood processing shall be reviewed and permitted by the Granada Sanitary District to discharge into the sanitary system.
24. The applicant will be required to comply with, or address, any comments or additional conditions received by the Granada Sanitary District regarding the District's pending review of stormwater and wastewater discharge at the project site. Any changes required by the Granada Sanitary District shall be reviewed and approved by the County Department of Public Works and Planning Department.

Coastside Fire Protection District

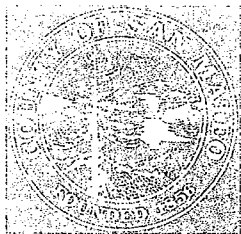
25. Five (5) year certification is required for fire sprinklers. Please contact the Coastside Fire Protection District at 650/726-5213 for further information.
26. Due to limited access, the building will require the installation of "Knox Boxes." These emergency key boxes are required when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes. The Fire Chief will determine the location for the key box and provide an authorized order form. All security gate systems controlling vehicular access shall be equipped with a "Knox"; key operated emergency entry device. The applicant shall contact the Fire Prevention Bureau at 650/726-5213 for specifications and approvals prior to installation.
27. Building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON-SITE.) The letters/numerals for permanent address numbers shall be 6 inches in height with a minimum 3/4-inch stroke and of a color that is contrasting with the background. Such letters/numbers shall be illuminated and facing the direction of access.
28. There must be a fire extinguisher for each 3,000 sq. ft., travel distance not to exceed 75 feet per Title 19, California Code of Regulations, with at least one required per floor. In addition, the kitchen area shall have a minimum of at least one 40-pound "K" rated fire extinguisher mounted in the path of egress.

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County of San Mateo - Planning and Building Department

ATTACHMENT O



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122

pingbldg@co.sanmateo.ca.us

www.co.sanmateo.ca.us/planning

June 20, 2011

Philip Bruno
P. O. Box 308
El Granada, CA 94018

PROJECT FILE

Dear Mr. Bruno:

Subject: **LETTER OF DECISION**
File Numbers: PLN2001-00553 & PLN2010-00250
Location: 165 and 175 Airport Street, Princeton
APNs: 047-031-340 and 047-031-210

On June 8, 2011, the San Mateo County Planning Commission considered a Use Permit Renewal, Variance, and Coastal Development Permit Exemption, pursuant to Sections 6500, 6530, and 6328.5 of the San Mateo County Zoning Regulations, respectively, to (1) allow the continued operation of a wholesale seafood processing business, and (2) grant an exception to the maximum lot coverage allowed in the Waterfront Zoning District, located at 165 and 175 Airport Street in the unincorporated Princeton area of San Mateo County.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission voted (4-1): to (1) hold the Use Permit Renewal, County File Number PLN2001-00553, in abeyance for an interim period of time (2 years) subject to the Interim Operating Conditions with modifications made to Interim Operating Conditions #5 and #14, as listed in Attachment A, and (2) denied the Variance and Coastal Development Permit Exemption, PLN2010-00250, by making the findings listed in Attachment A.

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 June 22, 2011.**

If you have questions regarding this matter, please contact Summer Burlison, Project Planner, at 650/363-1815.

Sincerely,

A handwritten signature in cursive script that reads "Rosario Fernandez".

Rosario Fernandez
Planning Commission Secretary
Pcd0608V_rf (Bruno)

Philip Bruno
June 20, 2011
Page 2

Enclosure: San Mateo County Survey - An online version of our Customer Survey is also available at: <http://www.co.sanmateo.ca.us/planning/survey>

cc: Building Inspection Section
Department of Public Works
Coastside Fire Protection District
Airport Land Use Committee (c/o David Carbone)
Granada Sanitary District
Coastside County Water District
California Coastal Commission
Midcoast Community Council
Michael McCracken
Kerry Burke
William Schuster
Julian McCurrach
Carol Ford
Lennie Roberts
County Assessor

County of San Mateo
Planning and Building Department

**FINDINGS AND
INTERIM OPERATING CONDITIONS OF APPROVAL**

Project File Numbers: PLN 2001-00553 and PLN 2010-00250 Hearing Date: June 8, 2011

Prepared By: Summer Burlison, Project Planner Adopted By: Planning Commission

**FINDINGS FOR DENIAL OF VARIANCE AND COASTAL DEVELOPMENT PERMIT EXEMPTION,
PLN 2010-00250**

Regarding the Variance and Coastal Development Permit Exemption, Found:

1. That the parcel's location, size, shape, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity. The project site is comprised of two adjacent, flat, rectangular shaped parcels (11,705 sq. ft. in size) with each parcel being a minimum of 5,000 sq. ft. The minimum building site in the Waterfront (W) District is 5,000 sq. ft. Both separately and cumulatively, the subject site meets the minimum required lot size. Furthermore, surrounding parcels within the vicinity are of similar shape, size, and topography.
2. That without the variance, the landowner would not be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity. The Princeton area is comprised of a mix of commercial and industrial uses with some residential uses interspersed. The existing seafood processing plant is a principally permitted use within the Waterfront Zoning District. Without the variance to exceed lot coverage, the property could still accommodate a principally permitted use.
3. That the variance would grant the landowner a special privilege, which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity. Staff has researched surrounding developed sites within the Princeton area and confirmed that existing surrounding development complies with the lot coverage restriction of the Waterfront Zoning District. Furthermore, any unknown developed sites in the area that do not comply with the Zoning Regulations would not create an entitlement to a variance for the project site.

INTERIM OPERATING CONDITIONS OF APPROVAL FOR USE PERMIT RENEWAL, PLN 2001-00553

Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Planning Commission on June 8, 2011. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director.
2. The Interim Operating Conditions shall be valid for two (2) years from final approval. The applicant shall apply for an extension of time to continue operating under these Interim Operating Conditions and pay applicable permit extension fees six (6) months prior to expiration of final approval, on June 22, 2013, if continuation of this use is desired, or apply for a new use permit within thirty (30) days of final approval of any County Zoning Regulations amendment(s) to the Waterfront (W) District and/or Airport Overlay (A-O) District, whichever occurs first. The use (and maximum allowed site occupancy) would then be subject to the zoning regulations in effect at that time.
3. There shall be an annual administrative review with the payment of applicable fees, for compliance with these conditions of approval. If the County finds that the use is not in compliance with the conditions of approval, the applicant shall have thirty (30) days to comply with the terms of the approved Interim Operating Conditions or apply for an amendment to the Interim Operating Conditions, including payment of any applicable amendment fees. Failure to comply with either action will result in the initiation of use permit revocation proceedings.
4. Any change in use or intensity shall require an amendment to the Interim Operating Conditions, including an application for amendment, payment of applicable fees, and consideration at a public hearing.
5. Within thirty (30) days of final approval, the applicant shall apply for, and be issued a demolition permit to remove the unpermitted rear roof structure. The unpermitted roof structure shall be completely removed and a final inspection completed within 120 days of final approval. Please contact the Building Inspection Section at 650/599-7311 to obtain information on applying for a demolition permit. Verification to the Planning Department that the purchase of adjacent property (of adequate size to comply with lot coverage) has been completed shall constitute compliance with this condition.
6. The applicant shall maintain a valid permit from the California Department of Public Health, Food and Drug Branch. If the required permit is ever revoked, the applicant shall inform the Current Planning Section of revocation within ten (10) business days of receiving notice of such revocation.

7. The applicant is responsible for providing continual maintenance and replacement, as necessary, of the existing four trees along Harvard Avenue and two trees along Airport Street.
8. The number of employees allowed on-site shall be held in abeyance to allow the business to continue operating with the same occupancy limits as currently identified by the business's daily work schedule, as indicated below:

Monday – Friday	
Time	Number of Employees On-Site
3:00 a.m.	11
4:00 a.m.	14 – 15
5:00 a.m. – 10:00 a.m.	22 – 23
10:00 a.m. – 1:00 p.m.	12
1:00 p.m. – varied close time	3-4

Saturday	
Time	Number of Employees On-Site
3:00 a.m.	11
4:00 a.m.	14 – 15
5:00 a.m. – 11:00 a.m.	22 – 23

Sunday – CLOSED

9. All garbage dumpster lids must remain closed when not in use to contain litter, odor, and prevent pollution and pests.
10. Garbage dumpsters shall be located behind the six (6) foot high fence/gate along Airport Street during non-business hours to reduce visual impacts.
11. All trash and debris on the site shall be picked up daily and disposed of in accordance with the business's Daily Clean Up Procedures dated May 18, 2011 outlined as followed:
 - a. All debris left from the day's work shall be contained inside the building, swept or scooped up, and disposed of in waste bins. When hosing down the inside area, spray toward the inside sumps and clear debris from filters and dispose of in waste bins.
 - b. Any debris found outside the building shall be swept up and disposed of in waste bins.

- c. All debris shall be scooped up before hosing any outside areas down. DO NOT hose any debris into the gutters in front or on the Harvard side of building or on to any neighboring properties.
 - d. All packing ice shall be disposed of within the building and shall not be left to melt outside of the building.
 - e. Supervisors shall check the area daily to ensure that all debris is disposed of properly, in accordance with the above-described procedures.
12. The Daily Clean Up Procedures dated May 18, 2011 shall be distributed to staff supervisors for implementation. It shall be the applicant's responsibility to ensure that all employees (existing and future) be properly trained to comply with these daily clean up rules.
13. The Daily Clean Up Procedures shall be posted in plain sight within the building at all times and in a format that is legible to any employee for reference.
14. Within thirty (30) days of final approval, the applicant shall apply for and be issued a building permit to construct a 6-inch concrete curb or solid wall along the west and north perimeter of the property line to prevent any water or debris from spilling over onto the adjacent property. The concrete curb or solid wall shall be constructed and a final inspection completed within ninety (90) days of building permit issuance. Please contact the Building Inspection Section at 650/599-7311 to obtain information on applying for a building permit.
15. The applicant shall maintain the perimeter chain link fence with slats in good condition. Any damage to the fence shall be promptly repaired. All repairs shall match the appearance, materials, and workmanship of the fence as originally constructed.
16. Odors detectable without instruments beyond the boundaries of the "Waterfront" District shall not be permitted.
17. Noise levels from the site shall not exceed the noise standards from Section 6289.1 of the Waterfront (W) Zoning District.
18. All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.
19. Vibration from the site, perceptible without instruments on adjoining property, shall be prohibited except for temporary construction operations.
20. It is the applicant's responsibility to ensure that any vehicle related to the business (including work vehicle, employee vehicle, customer or delivery vehicle) does not

impede through traffic along any public right-of-way. Business-related vehicles shall be parked on authorized private property when parked for long periods.

21. It is the applicant's responsibility to ensure that all delivery trucks associated with the business are scheduled and managed in a manner such that on-site parking accommodations are available.

Department of Public Works

22. No washdown areas or facilities used for collecting waste associated with seafood processing shall be discharged to any storm drain system.

Granada Sanitary District

23. Any washdown areas or facilities used for collecting waste associated with seafood processing shall be reviewed and permitted by the Granada Sanitary District to discharge into the sanitary system.
24. The applicant will be required to comply with, or address, any comments or additional conditions received by the Granada Sanitary District regarding the District's pending review of stormwater and wastewater discharge at the project site. Any changes required by the Granada Sanitary District shall be reviewed and approved by the County Department of Public Works and Planning Department.

Coastside Fire Protection District

25. Five (5) year certification is required for fire sprinklers. Please contact the Coastside Fire Protection District at 650/726-5213 for further information.
26. Due to limited access, the building will require the installation of "Knox Boxes." These emergency key boxes are required when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes. The Fire Chief will determine the location for the key box and provide an authorized order form. All security gate systems controlling vehicular access shall be equipped with a "Knox"; key operated emergency entry device. The applicant shall contact the Fire Prevention Bureau at 650/726-5213 for specifications and approvals prior to installation.
27. Building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON-SITE.) The letters/numerals for permanent address numbers shall be 6 inches in height with a minimum 3/4-inch stroke and of a color that is contrasting with the background. Such letters/numbers shall be illuminated and facing the direction of access.

28. There must be a fire extinguisher for each 3,000 sq. ft., travel distance not to exceed 75 feet per Title 19, California Code of Regulations, with at least one required per floor. In addition, the kitchen area shall have a minimum of at least one 40-pound "K" rated fire extinguisher mounted in the path of egress.



County of San Mateo - Planning and Building Department

ATTACHMENT P.1

Application for Appeal**Planning and Building Department**

County Government Center • 455 County Center, 2nd Floor
 Redwood City • CA • 94063 • Mail Drop PLN 122
 Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

☐ To the Planning Commission

☒ To the Board of Supervisors

 Name: Phil Bruno

 Address: P.O. Box 308
El Granada CA 94018

 Phone, W: 728-7321 H:

 Zip: 94018

Permit Numbers involved:

PLN 2001-00557
PLN 2010-00250

I hereby appeal the decision of the:

- ☐ Staff or Community Development Director
☐ Zoning Hearing Officer
☐ Design Review Committee
☒ Planning Commission

 made on June 8 2011, to approve/deny
 the above-listed permit applications.

 I have read and understood the attached information
 regarding appeal process and alternatives.

☒ yes

☐ no

Appellant's Signature:

Michael D. McEnaney Attorney for Applicant

 Date: 6/22/11

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

To Follow w/in one week (per instructions from Summer)

RECEIVED

JUN 23 2011

 San Mateo County
 Planning and Building Department

LAW OFFICES OF MICHAEL D. McCracken
A PROFESSIONAL CORPORATION
870 MITTEN ROAD
BURLINGAME, CALIFORNIA 94010-1304
TEL: (650) 697-4890
FAX: (650) 697-4895

Rosario Fernandez, Planning Commission Secretary
Summer Burlison, Project Planner
San Mateo County Planning and Building
455 County Center, 2nd Floor
Redwood City, CA 94063

Re. Appellant's Specific Grounds for Appeal (Supplements June 22, 2011
Notice of Appeal and Payment of Appeal Fees);
June 8, 2011 Planning Commission Decision

Dear Mses. Fernandez and Burlison:

Per your request, below are the specific grounds for our June 22, 2011 appeal. (I have couched the appeal language according to the statutory administrative appeal requirements of California Code of Civil Procedure 1094.5.)`

In issuing its June 8, 2011 decision, the Commission did not proceed according to law. Further, its decision is not supported by its findings, and the five findings it did make are not supported by the evidence. Specifically:

1. Its Finding No.1 Incorrectly concludes that the applicant's parcel's location, size, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity.

2. Its Finding No. 2 Incorrectly concludes that without the variance, the landowner would not be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.

3. Its Finding No.3 Incorrectly concludes that issuance of a variance would grant the landowner a special privilege, which is inconsistent with the restrictions placed on

other landowners in the same zoning district or vicinity.

4. Paragraph 5 of the "INTERIM OPERATION CONDITIONS OF APPROVAL FOR USE PERMIT RENEWAL, PLN 2001-00553" Improperly and without legal basis requires the applicant/appellant to, within thirty (30) days of final approval, apply for and be issued a demolition permit to remove the rear structure of his commercial operation housing and protecting his crab cooking operation, or, alternatively, to purchase adjacent property of sufficient size to satisfy all County lot coverage requirements.

5. In rendering the decision set forth above in paragraph 5, the Commission failed to acknowledge a highly relevant, and, for this application, critical fact: namely, that the crab cooking structure is required by both the federal (NOAA) and state (Department of Public Health, Food and Drug Branch) agencies regulating the applicant's seafood processing operation.

Respectfully submitted,

Michael D. McCracken, Esq.
Attorney for Applicant/Appellant



County of San Mateo - Planning and Building Department

ATTACHMENT P.2

San Mateo County**Application for Appeal**☐ To the Planning Commission☒ To the Board of Supervisors

County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Name: Julian McCurrach, by his

atty in fact Gregory J. Antone

Phone, W:

H: 6504009663

Address: P.O. Box 1004, El Granada, CA

Zip: 94018

Permit Numbers involved:

PLN2001-00553 & PLN2010-0

I hereby appeal the decision of the:

☐ Staff or Planning Director☐ Zoning Hearing Officer☐ Design Review Committee☒ Planning Commission

made on 6/8 20 11 to approve/deny
the above-listed permit applications.

I have read and understood the attached information
regarding appeal process and alternatives.

☒ yes☐ no

Appellant's Signature

Julian McCurrach
by his atty in fact *Gregory J. Antone*

Date:

06/22/11

*See attached letter - a part
of this appeal.*

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

I am the property owner from whom Mr. Bruno must purchase property to legalize the large building he built without permits. My good faith, fair market counter offers were rejected. I will NOT be selling to Mr. Bruno. Therefore he must demolish the building. The June 20, 2011 Letter of Decision makes it clear that Mr. Bruno has been denied any variance or Coastal Development Permit exemption. Yet it appears he is being granted two (2) more years [he already has had 1 year] to operate his business illegally in a building without permits, and using a number of employees in excess of density allowances. There is no legal authority to grant or authorize such illegal "interim" use. "Interim" to what? He is even allowed to apply to extend such illegal use. No other person in the County is granted such special treatment. This is blatant, illegal, selective law enforcement. There is no authority to allow employee density in excess of existing rules, regulations and guidelines, even if studies are underway that "might" change the densities. As it is the stench prevents legally permitted uses of neighboring properties ruining their value.



County of San Mateo - Planning and Building Department

ATTACHMENT P.2a

Law Offices Of
GREGORY J. ANTONE

All Mail: Post Office Box 3739
Shoreline Station ♦ 225 Cabrillo Hwy S. ♦ Suite 206C
Half Moon Bay, CA 94019-3739

Telephone: 650-619-6043
Facsimile: 650-284-2196
GregoryGJALaw@aol.com

June 22, 2011

Ms. Summer Burlison, Project Planner
County of San Mateo Planning & Building Department
455 County Center, 2nd Floor
Redwood City, California 94063

RE: **Appeal of Julian McCurrach / Letter of Decision**
Permit Applicant: Philip Bruno
File Numbers: PLN2001-00553 & PLN2010-00250
Location: 165 and 175 Airport Street, Princeton
APNs: 047-031-340 and 047-031-210

Dear Ms. Burlison:

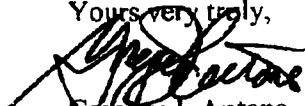
This is to confirm our conversation from yesterday. I represent Julian McCurrach. I am adding this letter to the Application For Appeal by Julian McCurrach, as we agreed, to accomplish two things: (1) confirm that due to the belated issuance of the Letter of Decision, received a mere 2 days from the date an appeal was required to be filed, my client and I will be allowed time (we discussed it being through Monday, June 27) to provide additional description of the nature and bases for appeal, with any supporting documents, all of which will be added to his Application For Appeal; and (2) confirm that you have explained to us that Mr. Bruno's ostensible two year "Interim Operating Conditions" outlined in the Letter of Decision, was and is wholly contingent on Mr. Bruno meeting conditions 3 and 5 of the interim conditions, or the interim operating permission is wholly void, revoked and of no further effect.

Point (2) above means, as you explained, that the "final approval" referred to in condition 5, is the decision of June 8, 2011, as memorialized in the Letter of Decision of June 20, 2011. You stated that, based on condition 5, if Mr. Bruno does not provide "Verification to the Planning Department that the purchase of adjacent property (of adequate size to comply with lot coverage) has been completed" that he **MUST** immediately comply with the first part of condition 5, i.e., that "Within thirty (30) days of final approval, the applicant shall apply for, and be issued a demolition permit to remove the unpermitted rear roof structure. The unpermitted roof structure shall be completely removed and a final inspection completed within 120 days of *final approval*." This would also mean that the employee density would revert back to that normally set.

As the Application For Appeal states, and I confirm here, Mr. McCurrach made good faith, market price counter offers to Mr. Bruno to allow the latter to purchase the property he needed to meet condition 5. Mr. Bruno rejected those counter offers, wanting less than market price, and to buy only a few of the lots, whereas they are combined for sale by Mr. McCurrach. Neither was acceptable. Mr. McCurrach will not be selling his property to Mr. Bruno. Mr. McCurrach did all this (tried to work it out) while suffering severely from bronchitis and pneumonia (still so bad as to require him to see a doctor today).

If I obtain confirmation, in writing, from you, signed off on (approved by) County Counsel, that the above is true and that Mr. Bruno must demolish the building and obtain full inspection thereof within 120 days of June 8, Mr. McCurrach will be willing to withdraw his appeal.

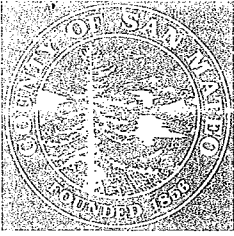
Yours very truly,


Gregory J. Antone



County of San Mateo - Planning and Building Department

ATTACHMENT P.2b



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

July 15, 2011

Gregory J. Antone
P.O. Box 3739
Half Moon Bay, CA 94019-3739

Dear Mr. Antone:

SUBJECT: Appeal/Letter of Decision for PLN 2001-00553 and PLN 2010-00250 (Bruno)
Address: 165 and 175 Airport Street, Princeton
APNs: 047-031-340 and 047-031-210

This letter is in response to your letter to the County Planning Department, dated June 22, 2011, regarding the above project. The Planning Department did receive your appeal application and filing fee on June 22, 2011, prior to the end of the 10-business day appeal period commencing on June 8, 2011. Any additional supporting documents and/or basis for appeal may be submitted under your application for appeal within 5-business days from the date of this letter (i.e., July 22, 2011).

Upon review of your letter, consultation with County Counsel, and reference to the Letter of Decision dated June 20, 2011 (as decided on by the Planning Commission at the June 8, 2011 Planning Commission hearing), the County does confirm that the Planning Commission's approval of "Interim Operating Conditions" as outlined in the Letter of Decision requires Mr. Bruno to comply with all of the interim operating conditions, including Condition Nos. 3 and 5. Failure to comply with any final approved interim operating conditions is considered a code violation and will result in the case being forwarded to the Code Compliance Section for enforcement action, which may include revocation of the use permit pursuant to Section 6505 of the County Zoning Regulations.

Condition No. 5 of the Letter of Decision for the subject project requires Mr. Bruno to apply for and be issued a demolition permit within 30 days of final approval, to remove the unpermitted rear roof structure. The condition further requires that within 120 days of final approval, the rear roof structure must be completely removed. The condition provides Mr. Bruno an alternative of submitting verification (within the 120 days of final approval) that the purchase of adjacent property (of adequate size to comply with lot coverage) has been completed to constitute compliance with Condition No. 5. For clarification purposes, the "final approval" date as referenced throughout the Letter of Decision is considered the end of the appeal period (assuming no appeals are filed), or the end of any disposition of any appeal. While the end of the appeal period for this project is 10-business days from the Planning Commission's June 8, 2011

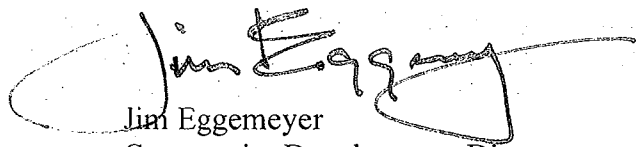
decision, i.e., June 22, 2011 at 5:00 p.m., please be aware that two appeals were filed (including your appeal on behalf of Julian McCurrach) prior to the end of the 10-business day appeal period.

In regard to employee density, this matter is separately addressed in Interim Operating Condition No. 8 of the Letter of Decision dated June 20, 2011, and is not related to any timeframes imposed by Condition No. 5. Condition No. 8 allows the number of employees allowed on-site to be held in abeyance (based on the specified daily work schedule identified in the applicable condition) for the duration that the interim operating conditions are in effect. Thus, Mr. Bruno's compliance with Condition No. 5 (regarding removal of the rear roof structure) does not impact Condition No. 8 (regarding employee density).

Planning staff will continue processing your application of appeal (on behalf of Julian McCurrach) regarding the subject project, unless otherwise directed by you in writing.

If you have any further questions or concerns, please contact the project planner, Summer Burlison, at 650/363-1815 or via email at sburlison@co.sanmateo.ca.us.

Sincerely,



Jim Eggemeyer
Community Development Director

JE:SSB:fc - SSBV0539_WFN.DOC

cc: Timothy Fox, County Counsel
Project File



County of San Mateo - Planning and Building Department

ATTACHMENT Q



**MCCURRACH & COMPANY
JULIAN V MCCURRACH**

Physical Address:
187 Airport Road
Half Moon Bay, California 94019

Mailing Address:
PO Box 1004
El Granada, California 94018

T 650-550-9663
F 1-888-889-6492

RECEIVED
IN THE OFFICE OF

JUL 22 2011

CLERK OF THE
BOARD OF SUPERVISORS

July 20, 2011
Board of Supervisors
County Government Center
455 County Center
Redwood City, CA 94063

Dear Supervisors,

My Name is Julian McCurrach and I am appealing the decision of the planning department as my Lawyer Gregory Antone and I understand it following his conversations with Summer Burlison and hopefully today with Jim Eggemeyer. This situation with Mr Bruno's business has existed far too long and without question affects the property values and quality of life experienced by myself and Mr. Bruno's and my other neighbor Bill Schuster. Both Bill and I have complained for years about Mr. Bruno's blatant disregard for not only our properties, but for the safety and use of the streets which his property corners. Some saliant points need to be addressed.

This action was not started by county Building and Planing, but by myself in a complaint that I brought before Steve Monowitz well before Mr Bruno finally decided to address his expired (by nearly a decade) use permit. I complained bitterly that the county had a blind eye toward Mr. Bruno - how else could he operate in China with the rest of us working under San Mateo County codes. How else could he run such a high profile business so illegally without being sited. Mr Bruno actually boasted 28 employees on his website when he knew perfectly well he was allowed but 3 by his use permit. He was to process indoors. He was processing tons of crab out of doors. This is not odor - this is stench. He was and has for decades used the streets of Princeton and Harvard Avenues as his own personal loading docks exasperating a major intersection in Princeton. I have submitted photos spanning years of obvious abuse to the present to the Planning Commission to prove the span and breadth of the violations. Sea coast smells and odors are one thing, afew crabs cooking is another, but you really can't easily imagine what tons of crab being processed in the open air would smell like to a neighbor. Bill and I voiced our concerns back before Mr. Bruno even added his extra building about his small area being over-built by his new project. In the Zoning Hearing Officer Meeting of 11/3/94 at which both Bill and I were present I stated and I have a tape which i will copy for you if you would like, that Mr. Bruno's business was a valuable one for our area and that I was not against it, but there certainly had to be a change to allow for at least diagonal parking in order for my Bruno not to exasperate the traffic situation on what was already a busy corner. I was told that, "the project was going through no matter what." Why did they ask us to come if everything ws already decided? Everything that Bill and I warned about has come to pass and we more than anyone in Princeton have had to suffer the results. I am asking that you simply administer the same laws to Mr. Bruno that you make the rest of us abide by.

Sincerely yours,


Julian McCurrach



County of San Mateo - Planning and Building Department

ATTACHMENT R

Project Site/Permit Processing Chronology

<u>Date</u>	<u>Action</u>
January 2, 1987	- UP 86-18 and CDP 86-62 approved by the Zoning Hearing Officer at 175 Airport Street to convert an existing 30 ft. x 80 ft. storage building into a wholesale fish processing plant; building converted under building permit.
March 12, 1991	- Board of Supervisors adopted a resolution to rezone a majority of the Princeton area from MAR/AO/DR/CD (Marine-Related Industrial/Airport Overlay/Design Review/Coastal Development) to W/AO/DR/CD (Water-front/Airport Overlay/Design Review/Coastal Development). The rezoning went into effect on April 12, 1991.
May 2, 1991	- Renewal of UP 86-18 and CDP 86-62 approved by the Zoning Hearing Officer at 175 Airport Street.
December 27, 1991 and January 2, 1992	- Administrative review of UP 86-18 and CDP 86-62 at 175 Airport Street indicated that the operation was not in compliance with the use permit conditions because of damaged perimeter fencing and an illegal addition to the north side of the building.
April 24, 1992	- Stop Work Notice (SWN 92-0050) issued by the County Building Inspection Section at 175 Airport Street for an addition to the building without a building permit. The Stop Work Notice was closed on May 24, 1993, after submittal of a building permit application to legalize the addition.
September 14, 1992	- Violation case opened (VIO 92-0177) at 175 Airport Street due to a complaint received by the County Code Compliance Section regarding the unsuitable maintenance of trash receptacles. The violation case was closed on September 23, 1993, due to resolution of the violation.
August 27, 1993	- Violation case opened (VIO 93-0129) at 175 Airport Street due to a complaint received by the County Code Compliance Section regarding violation of use permit, specifically related to parking, number of employees, and water runoff from washing of trucks. The violation case was closed on October 25, 1993, after inspection by Code Compliance determined that the complaint was unsubstantiated.

- November 5, 1993 - Violation case opened (VIO 93-0154) at 175 Airport Street due to a complaint received by the County Code Compliance Section regarding violation of use permit, specifically related to damaged perimeter fencing, parking of vehicles in front of neighbors' properties, and public health concerns. Inspections were completed by the Code Compliance Section and Environmental Health Division. The owner resolved the violation to the satisfaction of both agencies and the violation case was closed on March 15, 1994.

- February 18, 1994 - Building permit finalized to legalize the outside freezer enclosure at the north side of the building at 175 Airport Street, approximately 96 sq. ft., to comply with use permit conditions.

- November 17, 1994 - USE 94-0012 and CDP 94-0038 were approved by the Zoning Hearing Officer for development of the vacant parcel at 165 Airport Street for a fish warehouse, records room, caretaker's facility, and storage room. The 3,900 sq. ft. building was constructed under building permit.

- November 15, 1995 - Variance application, VAR 95-0013, submitted for 165 Airport Street (APN 047-031-340, corner parcel) to add 880 sq. ft. to the warehouse.

- December 4, 1995 - Letter issued by the County notifying the applicant that three of the five variance findings could not be made for variance application, VAR 95-0013.

- December 13, 1996 - Letter submitted from applicant of variance application, VAR 95-0013, requesting withdrawal of (variance) application.

- February 21, 1996 - Lot line adjustment application, LLA 96-0001, submitted to transfer 1,036.5 sq. ft. of land from APN 047-031-210 (175 Airport Street, interior parcel) to APN 047-031-340 (165 Airport Street, corner parcel).

- April 15, 1996 - Lot line adjustment, LLA 96-0001, approved; recorded on June 28, 1996, at the County Recorder's Office.

- February 28, 1997 - Building permit finalized (with a Coastal Development Permit Exemption) at 165 Airport Street to frame in a storage garage, approximately 880 sq. ft.

- August 6, 1997 - Administrative review approved. Replacement of one dead tree required prior to next renewal.

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| November 6, 1997 | - | Renewal of UP 86-18 and CDP 86-62 was approved by the Zoning Hearing Officer for 175 Airport Street. Approval recognized and combined use permit inspections and renewals for 175 Airport Street and the adjacent parcel at 165 Airport Street (USE 94-0012 and CDP 94-0038) since both parcels were operating as one business unit. Staff also recognized that the two buildings included a common wall within the buildings and a common roof. |
| October 12, 2000 | - | Information Stop Work Notice (SWN 2000-00149) was issued on October 12, 2000 by the Building Inspection Section for the addition of a roof structure at the rear northwest corner of the building without a building permit. |
| October 10, 2001 | - | Administrative review assumed to have been completed. Separate use permit files combined into PLN 2001-00553. |
| November 6, 2002 | - | Use permit for seafood processing plant at 165 and 175 Airport Street, PLN 2001-00553, expired. |
| January 11, 2010 | - | Violation case opened (VIO 2010-00008) due to complaint received for various issues identified in Section A below. |
| January 27, 2010 | - | Fees and application forms received for use permit renewal. |
| February 2, 2010 | - | Violation letter issued by County Code Compliance Section to the property owner for non-compliance with use permit conditions, including number of employees, garbage and debris in front of property, inadequate and clear parking, and expired use permit. |
| February 5, 2010 | - | Incomplete letter sent to applicant for PLN 2001-00553. |
| March 4, 2010 | - | Met with owner to discuss current issues regarding violation case VIO 2010-00008 and PLN 2001-00553. |
| May 11, 2010 | - | Letter sent to owner regarding the status and next steps for PLN 2001-00553 and information on the option for a Zoning Text Amendment to pursue changing the number of employees allowed in the Airport Overlay (AO) District. |
| June 30, 2010 | - | Planning Commission hearing to consider a use permit renewal for the continued operation of the seafood processing business, PLN 2001-00553. |

Item continued to September 8, 2010, to allow staff time to research the Airport Overlay District with regard to density allowance. Additionally, the Planning Commission recommended the applicant proceed in bringing the site into compliance during this period of continuance with the expectation of a site compliance progress update at the September 8, 2010 hearing.

- August 13, 2010 - Variance and Coastal Development Permit Exemption (PLN 2010-00250) submitted to exceed lot coverage which would allow the applicant to pursue legalizing the existing 1,195 sq. ft. roof structure at the rear of the warehouse used for outside crab processing (reference October 12, 2000 above).
- September 8, 2010 - Planning Commission granted continuance request from staff for additional time to finalize the background report regarding the history of the Half Moon Bay Airport, Airport Overlay Zoning District with respect to density limits, and options and process associated with modifying the Airport Overlay District.
- September 22, 2010 - Planning Commission hearing to: (1) consider the basis of the existing Airport Overlay (AO) District density limitations; (2) review the process and standards for modifying the current density limitation in the AO District Regulations; (3) consider the applicant's progress toward addressing site compliance issues identified at the June 30, 2010 Planning Commission hearing; and (4) provide direction to staff on the review of the Use Permit Renewal (PLN 2001-00553), and associated Variance and Coastal Development Permit Exemption (PLN 2010-00250) to exceed lot coverage.

Item continued to December 8, 2010, to allow staff time to review and analyze the option for allowing a Temporary Use Permit, review and analyze the associated Variance and Coastal Development Permit Exemption application (PLN 2010-00250), for an unpermitted roof structure at the rear of the building, and for staff to confirm the methodology used by the Environmental Health Division for noise level measurements at the site.

- October 12, 2010 - Email request from Michael McCracken, on behalf of applicant, requesting a continuance of the December 8, 2010 Planning Commission hearing to the first Planning Commission hearing in January 2011 as the end of year holiday season is the applicant's busiest time of year.

- November 23, 2010 - Memorandum issued to continue the December 8, 2010 Planning Commission hearing to January 12, 2011, based on request from applicant.

- January 12, 2011 - Planning Commission hearing to: (1) consider the option of a Temporary Use Permit; (2) consider a Variance and Coastal Development Permit Exemption application (PLN 2010 00250), for an unpermitted roof structure at the rear of the building; and (3) recognize the methodology used by the Environmental Health Division for noise level measurements at the site.

- Item continued to end of April 2011 to allow staff time to refer the project to the Airport Land Use Committee for review and comment, identify potential Federal and/or State consequences in considering an alternative density limit for the site, continue working with the applicant on addressing variance findings, address stormwater and drainage concerns related to the operation, identify current guidelines for density limits related to airport safety, and look into odor and parking concerns related to the seafood operation.

- February 8, 2011 - Planning staff submitted an Airport Land Use Committee Agenda Request for the February 24, 2011 ALUC meeting.

- February 9, 2011 - Planning Commission hearing for Planning staff to obtain direction from the Planning Commission regarding the Planning Department's referral to the Airport Land Use Committee (ALUC).

- February 10, 2011 - Planning staff issued a memo addendum to the ALUC to clarify the Planning Commission's consideration of options related to the people per site limit.

- February 16, 2011 - ALUC agenda for February 24, 2011, mailed out to property owners within 300 feet of the project parcels and other interested parties.

- February 24, 2011 - ALUC meeting for Committee's consideration of a request from the County of San Mateo Planning Commission for ALUC comments regarding the people per site limit options being considered by the Planning Commission.

- April 11, 2011 - Received ALUC response letter regarding alternative people per site options.

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| April 27, 2011 | <ul style="list-style-type: none"> - Planning Commission hearing to consider additional information from Planning staff regarding the use permit renewal and associated variance to exceed lot coverage. <p>Item continued to June 8, 2011, to allow staff time to continue working with the applicant on addressing the variance findings, continue following up with the Granada Sanitary District and applicant on stormwater and wastewater discharge, and develop a formal recommendation on the applications.</p> |
| June 8, 2011 | <ul style="list-style-type: none"> - Planning Commission hearing to consider a use permit renewal to allow the continued operation of a wholesale seafood processing business and Variance and Coastal Development Permit Exemption to exceed lot coverage. Planning Commission voted (4-1) to (1) hold the Use Permit Renewal, County File Number PLN 2001-00553, in abeyance for an interim period of time (two years) subject to the Interim Operating Conditions with <u>modifications</u> made to Interim Operating Condition No. 5 and No. 14, as listed in Attachment A, and (2) deny the Variance and Coastal Development Permit Exemption, PLN 2010-00250. |
| June 9, 2011 | <ul style="list-style-type: none"> - Commencement of 10-business day appeal period (from date of Planning Commission determination on June 8, 2011). |
| June 20, 2011 | <ul style="list-style-type: none"> - Letter of decision issued from the Planning Commission hearing on June 8, 2011. |
| June 22, 2011 | <ul style="list-style-type: none"> - Two appeals filed to the Board of Supervisors of the Planning Commission's determination from June 8, 2011. |
| July 15, 2011 | <ul style="list-style-type: none"> - Issued response letter to Gregory J. Antone regarding Mr. Antone's request for response from the County dated June 22, 2011 (included with appeal filed on behalf of Julian McCurrach). |
| November 15, 2011 | <ul style="list-style-type: none"> - Board of Supervisor hearing on two appeals for PLN 2001-00553 (Use Permit Renewal) and PLN 2010-00250 (Variance and Coastal Development Exemption). |