



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: March 17, 2014
Board Meeting Date: March 25, 2014
Special Notice / Hearing: 300 Feet
Vote Required: Majority

To: Honorable Board of Supervisors

From: Jim Eggemeyer, Community Development Director

Subject: Public hearing to consider appeals of the Planning Commission's approval of a Use Permit Amendment, pursuant to Section 6500 of the County Zoning Regulations, to allow a change in use for the Stillheart Retreat Facility, at 16350 Skyline Boulevard, in the unincorporated Woodside area of San Mateo County, from an educational/meditation retreat facility to a non-medical residential treatment center.

RECOMMENDATION:

Deny the appeals and uphold the Planning Commission's approval of the Use Permit Amendment, County File Number PLN 2006-00181, by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND:

Proposal: The applicant, Stillpath Recovery Center, requests a Use Permit Amendment to change the use of the Stillheart Institute retreat facility to a non-medical residential treatment center for individuals who suffer from substance abuse disorders. The applicant's model utilizes a holistic approach (yoga, massage, music therapy), as well as spiritual counseling and 12-step programs to address their clients' particular needs. The applicant proposes to operate within the existing buildings. No new buildings or structures are proposed.

There are several buildings (tree houses and meditation temple) that were previously approved in connection with a 2007 Use Permit Amendment but have not yet been completed. The exterior shells of the buildings have been completed, including all plumbing and electrical lines, but interior finishes have not been completed. The applicant is proposing to finish the interior construction of these buildings.

Planning Commission Action: The Planning Commission, at its January 22, 2014 meeting, voted 3-1 (one absence) to approve the project.

Report Prepared By: Michael Schaller, Senior Planner, Telephone 650/363-1849

Appellants: Skyline Neighborhood Coalition (represented by Anne Mudge of Cox, Castle and Nicholson) and Community of Interested Neighbors (represented by Ellen Wise)

Applicant: Stillpath Recovery Center, LLC

Owner: Stillheart Institute

Location: 16350 Skyline Boulevard, Woodside

APN: 072-331-010

Size: 16.4 acres

Existing Zoning: RM (Resource Management)

General Plan Designation: General Open Space

Existing Land Use: Retreat facility; surrounding areas include open space covered with native vegetation, mature trees and walking trails

Water Supply: California Water Service

Sewage Disposal: Private (on-site) wastewater treatment system (septic)

Flood Zone: The project site is in Flood Zone X (areas of minimal flooding) as defined by FEMA (Community Panel Number 06081C0295E, dated October 16, 2012).

Environmental Evaluation: Staff determined and the Planning Commission made the finding (3-1) that the project is exempt under provisions of Section 15301 of the California Environmental Quality Act, consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Setting: The project site is located on the west side of Skyline Boulevard, approximately 1.6 miles north of its intersection with Highway 84. The project site is located within the Skyline State Scenic Corridor. The property is improved with a 3-story retreat lodge, on-site parking garage, and 12 duplex "tree house" buildings. Surrounding areas on-site include open space covered with native vegetation, mature trees and walking trails. Adjacent rural lands include single-family residences.

Chronology:

<u>Date</u>	<u>Action</u>
December 5, 1991	- Original Use Permit application for Spa/Fitness Center is approved.
June 14, 2006	- Planning Commission approves amendments of the use permit to allow a major addition to the existing main building.
January 24, 2007	- Planning Commission approves a further amendment to the use permit to allow the construction of a parking garage, tree houses, and other improvements.
July 29, 2013	- Application for the instant amendment to the use permit filed.
October 23, 2013	- First Planning Commission public hearing. Matter continued to later meeting to allow staff time to prepare responses to comments raised at the hearing including trails, smoking and fire hazard, and traffic and staffing.
December 11, 2013	- Second Planning Commission public hearing. Matter continued to later meeting to allow the full Commission to be in attendance. At the vote, the Commission dead locked at 2-2 over the question of whether to adopt staff's recommendation regarding the Categorical Exemption from CEQA.
January 22, 2014	- Third Planning Commission public hearing. Project approved.
January 30 and 31, 2014	- Appeals to the Board of Supervisors filed.
March 25, 2014	- Board of Supervisors hearing.

DISCUSSION:

A. **KEY ISSUES OF THE APPEAL**

Two appeals have been filed against this project, one by the Skyline Neighbors Association and the other by the Community of Interested Neighbors (COIN).

1. **Community of Interested Neighbors (COIN) (represented by Ellen Wise)**
COIN raises the following arguments (COIN's points of appeal are in italics and staff's responses are in plain text):

PROJECT DEFINITION: PLANNING STAFF HAS NOT CORRECTLY DEFINED THE STILLHEART APPLICATION AS A **NEW COMMERCIAL PROJECT**. By allowing the applicant to define their proposed NEW USE of the Stillheart facility as an “Amendment” to a prior “Conditional Use Permit,” Planning staff has complied with the applicant’s procedural preference to attempt to utilize an Amendment to an existing Use Permit rather than file under a new Use Permit.

Staff’s Response: The applicant did not propose this project as an amendment to the existing use permit. Rather, staff determined that this proposal, which is considered similar to the existing retreat facility, should be an amendment. This property has an existing use permit, which has been actively used over the course of the last 12 months. This use permit has not been “abandoned” nor relinquished by the owner. If the current buildings had been vacant and unused for the permitted use for more than 12 months or if this were a vacant, unimproved parcel, then the proposed use would require a new use permit.

*Appellant COIN submits that this description of the Stillpath Project is deliberately intended to misguide San Mateo County Officials and citizenry so as to facilitate a quick and easy approval by Planning rather than the more rigorous procedure that would be required if correctly filed as a new Use Permit. Stillpath’s proposed new use in point of fact constitutes a NEW PROJECT, thereby requiring a **New Use Permit Application** and a **new Environmental Impact Report under CEQA**.*

Staff’s Response: As discussed above, there are differences between the development of vacant/dormant property versus an actively occupied and improved site. There is functionally no difference between a new use permit and an amendment. Both require analysis of the project and making the same findings.

Planning and the applicant have attempted to categorize the project as “closest to a Sanitarium” in order to justify it as an allowed use under Chapter 24 of the San Mateo County (SMC) Zoning Ordinance when in fact Stillpath has nothing whatsoever to do with a “Sanitarium” in accordance with the intended use of the word in the Zoning Ordinance.

Staff’s Response: Neither hospitals, rest homes, nor sanitariums are principally permitted uses in any zoning district within the County. However, Chapter 24 of the Zoning Regulations allows for such uses in any district outside of the Coastal Zone (except R-1/CCP), subject to the issuance of a

use permit. The term “sanitarium” is not defined in the zoning regulations, and COIN does not offer any evidence to support its claim that the proposed project falls outside of the intended definition of the term. In her appeal, COIN offers the following definition of a “sanitarium”:

“An institution for the treatment of chronic diseases or for medically supervised recuperation.”

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Assuming this is an appropriate definition of the term, staff believes that the project falls within it. Drug and alcohol abuse are chronic diseases. The applicant has stated that there will be medical staff on-site to supervise the patients at the proposed Stillpath facility.

The use of the Stillheart Facility as a residential drug rehab business in the proposed locations is not allowed under the SMC General Plan.

The project site is designated “General Open Space” under the San Mateo County’s General Plan. The previous facility, Stillheart, could be considered inconsistent with the General Plan Designation of General Open Space were it not for the fact that as a meditation retreat that was open to the general public it actually enhanced public accessibility to the General Open Space.

Staff’s Response: The County General Plan breaks the rural areas of the County into three groups: Rural Service Centers, Rural Residential Subdivisions and all other rural lands outside of these two areas. “Rural Lands” are defined by Policy 9.7 of the General Plan as follows:

9.7 – Rural Lands:

Define Rural Lands as those rural areas outside of Rural Service Centers and Rural Residential Subdivisions. Rural lands include, but are not limited to, those generally developed to lower residential densities, agricultural activities, resource extraction, timber harvesting, resource conservation, public or private recreation or open space. Rural lands can also include institutional uses and public service uses, such as solid waste disposal sites.

The project site’s designation of “General Open Space” falls into this major category of “Rural Lands.” Policy 9.4 of the General Plan identifies land use objectives for the Rural Lands areas of the County including objective Number 7:

9.4 – Land Use Objectives for the Rural Lands:

- (7) promote local employment opportunities and enhance creative enterprise by encouraging visitor-serving facilities, ancillary and accessory uses vital to resource production operations, **and adaptive reuse of existing non-residential structures consistent with protection of surrounding resources.**

The applicant is proposing an adaptive reuse of existing non-residential structures. During the Planning Commission hearings, there was substantial discussion of measures (proposed by both the applicant and/or staff) that could be implemented to protect surrounding resources, including restricted smoking areas, shuttles for visitors, etc. Those measures were included as conditions of approval and are reflected in Attachment A of this report.

IV. DENSITY ANALYSIS: Stillpath's Application for an Amended Use Permit did not include the required "Density Analysis" Application which is required before approval of any NEW PROJECT located in an RM zone. Stillpath's proposed intensity of use exceeds the allowable density for both residential and non-residential uses in the Resource Management (RM) Zoning District. A new project, which, by its own project description, is a new commercial "non-residential development" must be subject to the Density Analysis Requirement.

Staff's Response: The requirement for a density analysis is applied to subdivisions of land in the RM Zoning District, and the Zoning Regulations do not require a density analysis for all new development as Ms. Wise states. Nor do the Zoning Regulations outline a maximum amount of development that one density credit provides in the RM District. But more importantly, this project is not subject to an RM permit because it does not meet the definition of "development" as provided in Section 6313 of the Zoning Regulations:

SECTION 6313. DEVELOPMENT REVIEW PERMIT REQUIREMENT. All developments proposed for a location within an RM District shall require the issuance of a permit.

For purposes of Chapters 20A, 20A.2 and 23, but excluding those uses defined below, "development" shall mean the construction of any significant structure on land, or in or under water; the discharge or disposal of any significant dredged material or any gaseous, liquid, solid or thermal waste; the division or subdivision of land into two or more parcels; reconstruction or substantial alteration of any significant structure, including any facility of a private, public or quasi-public utility; and any major removal of vegetation.

The proposed project is the change in use of an existing site. All buildings on the site have been completed with the exception of minor interior work needed to meet fire code requirements. This work is not “reconstruction” or a substantial alteration of any significant structure.

V. USE PERMIT FINDINGS: The Use Permit Findings are Incorrect

A) The project fails the “General Welfare Standard”: The Planning Commission FAILED TO FIND that “establishment, maintenance and/or conducting of the (proposed new) use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements IN SAID NEIGHBORHOOD.”

Staff’s Response: Contrary to the appellant’s statement, the Planning Commission did make such a finding when it voted to approve the project. A motion was made and adopted by a majority of the Commissioners to approve the project subject to the findings and conditions of approval contained in Attachment A of the January 22, 2014 staff report. The language cited above by the appellant was made by the Planning Commission and is the first sentence of Finding No. 2 in Attachment A.

B) The Planning Commission FAILED TO FIND that “the proposed (new) project is NECESSARY for the health, safety, convenience or welfare.” (emphasis added)

Staff’s Response: Again, contrary to the appellant’s statement, the Planning Commission did make such a finding. This was Finding No. 3 in Attachment A. In summary, the Commission reviewed the statements contained in the January 22, 2014 staff report and agreed with staff that there is a shortfall in the number of beds in alcohol and drug recovery facilities in San Mateo County versus the estimated population of County residents who might need such services.

VI. CONDITIONS OF APPROVAL ARE INADEQUATE: *Planning failed to develop sufficient restrictions and conditions of use in accordance with their legal responsibility.*

Water Supply: The property has been shown to have inadequate public water supply, yet Planning approved the use permit regardless of the evidence. A condition of approval and continued operation must be tightly tied to ensuring that neighbors are not negatively affected by the facility’s water consumption.

Staff's Response: The question of water supply within the project area was discussed at the January 22, 2014 Planning Commission hearing. In response to staff's referral of the project to the California Water Service (CWS) (the project site's water provider), the CWS stated that no change to the site's water connection will be required at this time. The applicant has stated that they will not be adding or upgrading any existing fixtures; therefore, the CWS will not be requiring an upgrade or modification of the existing connection or area system. In addition, Dawn Smithson, Manager of the CWS's Bear Gulch Division, provided the following e-mail, which was included as part of the record at the January 22, 2014 Planning Commission hearing:

"I visited the Stillheart facility today with our Production Superintendent. He informed me that when we acquired Skyline there were pressure issues in the area, presumably influenced by Stillheart's water usage. A pressure-sustaining valve was installed before their domestic meter. This valve ensures that flow through their domestic meter will not reduce pressure (at that point in the system) below 117 psi."

B) Septic System: Planning considered the need for a re-certification of the On-Site Waste Treatment System (OWTS) in light of the proposed 420% increase in use. A condition of approval and continued operation must be tightly tied to re-certification and continued certification of the OWTS.

Staff's Response: It is unclear what the appellant is referring to. Staff could find no evidence in the record, nor are we aware of any verbal comments from the County Environmental Health Division, that re-certification of the On-Site Waste Treatment System is necessary.

C) Trespass: Another real and valid concern of neighbors is trespass through Stillpath's open borders onto adjacent private property. It has been shown to be a continuing problem with the prior operation of Stillheart. Planning failed in its obligation to mitigate the problem by establishing meaningful methods of controlling trespass.

D) Fire: A legitimate concern is fire related to both the behaviors and increase in density of the proposed client population.

Staff's Response: Staff and the applicant became aware of appellants' concern at the first Planning Commission hearing on October 23, 2013. As is noted by the appellant, this is an existing problem created by previous owners of the project site. In response, the applicant submitted a proposed trail plan that removes those portions of trail that encroach onto adjacent properties. In addition, as stated by the applicant at the hearing, the patients would not be allowed unsupervised use of the outside areas on the

project site. In response to concerns about increased fire hazard, the applicant has proposed a strict smoking policy for the facility. All smoking will be restricted to the indoor pool area. No smoking will be allowed outdoors or in any other area of the site. Failure to comply with this rule will result in expulsion from the facility. The Planning Commission concluded that the proposed measures are sufficient to address these two issues.

2. **Skyline Neighborhood Coalition (represented by Anne Mudge – Cox, Castle, and Nicholson)**

The Skyline Neighborhood Coalition raises the following arguments (the Coalition's points of appeal are in italics and staff's responses are in plain text).

Establishment of the CEQA Baseline is a Question of Law

The Planning Commission wrongfully assumed that the project is exempt from CEQA pursuant to the existing facilities categorical exemption based on the mistaken conclusion that the proper baseline for determining whether the existing facilities exemption applies is maximum approved use of the property. The key consideration is whether the project involves negligible or no expansion of an existing use.

Staff's Response: The appellant claims that the CEQA baseline for consideration should be minimal activity or persons on the project site. Applying such a standard, any increase in use or number of persons on-site would be considered a significant increase. However, such a baseline is inappropriate because the Stillheart Institute has historically hosted an average of 60 large groups per year, with an associated number of employees on-site every day, maintaining the site and hosting guests. In addition, the Institute has also provided lodging and services for numerous smaller groups, couples and individuals throughout the year. The Planning Commission considered the evidence on this matter and concluded that the proposed change in use is not significantly different in intensity from what currently is permitted and occurring on the project site.

The Planning Commission Was Prohibited from Approving the Use Permit Amendment on Account of a Clear History of Use Permit Non-Compliance on the Property

The Planning Commission was required by Section 6105.1 of the San Mateo County Zoning Regulations to consider the property's zoning compliance. Because the property currently is out of compliance with the conditions of approval listed above and with Section 6105 of the County Zoning Regulations, the Planning Commission was prohibited from approving Stillpath's application for a use permit amendment.

Staff's Response: Section 6105.1 of the Zoning Regulations addresses zoning or building violations on a parcel. Such violations typically involve activities on a parcel that are not permitted, for example operating a large-scale commercial enterprise out of a single-family house, or construction of buildings without permits. That is not the case with the present proposal. There are no known violations of the Zoning Regulations on this parcel. While conditions of approval must be complied with, incomplete compliance has not, as a general matter, historically been a reason to deny a use permit amendment by the decision maker (e.g., Zoning Hearing Officer, Planning Commission), particularly when the applicant for the amendment is attempting to remedy the actions or omissions of a previous owner. The previous owner of the property did not maintain fire safety zones around the structures on the parcel as required by their conditions of approval and the Fire Code. The current owner/applicant has been doing this required work since acquiring the property.

The Planning Commission Findings Were in Error

The finding required by San Mateo County Zoning Regulations Section 6500(c) sets a higher bar by requiring that certain limited types of facilities, including hospitals, rest homes and sanitariums, be found "necessary" for public health, convenience, welfare, or safety if they are to be located in the Resource Management (RM) Zone. But neither Stillpath, the 2013 Staff Report, nor the Planning Commission identified any evidence demonstrating that the project absolutely is needed for public health, convenience, welfare, or safety.

Staff's Response: It is correct that Section 6500(c) requires a finding that the listed uses are necessary for the public health, safety, convenience or welfare. However, the zoning regulations do not state that the use must be "absolutely" necessary. Nor does Section 6500 require a finding that the proposed use is absolutely needed at a specific location, contrary to the statement made by the appellant in this appeal. It is broadly recognized that there is a deficit in the number of available beds in treatment facilities within San Mateo County and the larger Bay Area.

B. PROJECT COMPLIANCE WITH APPLICABLE POLICIES AND REGULATIONS

1. Conformance with the County General Plan

The project complies with all applicable General Plan policies, with specific discussion of the following:

a. Chapter 4 – Protection of Visual Quality

Policy 4.54 (*Commercial Signs (in Scenic Corridors)*). This policy limits on- and off-site outdoor commercial advertising and outlines design standards for outdoor signage.

The existing Stillheart facility has wrought iron signs attached to the stone retaining walls that form the outer portion of the entrance driveway for the facility, on either side of the entry. The signs sit low to the ground and are lit at night by subdued LED lighting from below. The applicant is proposing to remove this signage and replace it with more subdued, rustic appearing signage. A condition of approval has been included in Attachment A that reads:

5. The applicant shall apply for a building permit to construct new signage for the entry gate of the property. Said signage shall be non-illuminated, utilize natural materials, and be subdued in character and color. The applicant shall arrange for a site inspection by the County Planning and Building Department prior to a final sign off on the associated building permit. Said application for permit must be made within 180 days of final project approval.

Staff believes that the new required signage will comply with this policy.

b. Chapter 9 – Rural Land Use Policies

Policy 9.4 (*Land Use Objectives for the Rural Lands*). Subheading No. 7 of this policy states:

- (7) [P]romote local employment opportunities and enhance creative enterprise by encouraging visitor-serving facilities, ancillary and accessory uses vital to resource production operations, and **adaptive reuse of existing non-residential structures consistent with protection of surrounding resources.**

The applicant is proposing an adaptive reuse of an existing non-residential structure. During the Planning Commission hearings, there was substantial discussion of measures (proposed by both the applicant and/or staff) that could be implemented to protect surrounding resources, including restricted smoking areas, shuttles for visitors, etc. Those measures were included as conditions of approval and are reflected in Attachment A of this report.

Policy 9.12 (*Land Use Designations and Locational Criteria for the Rural Areas*). This policy outlines the allowed uses within the three Rural Areas land use designations. Institutional uses are defined as “cultural and educational and public service uses including but not limited to schools, libraries, hospitals, and churches.” The proposed new use, an addiction recovery center, is in many ways similar to a hospital and fits into this category. Institutional uses are allowed in all three Rural Areas land use designations. As such, staff believes this proposed use is consistent with the goals of Chapter 9 of the General Plan.

2. Conformance with the Resource Management District Zoning Regulations

Section 6313 of the Zoning Regulations states that all development proposed for a location within an RM District shall require the issuance of a Resource Management Permit. Development is defined as the construction of any significant structure on land.

As discussed, the proposed use permit amendment does not require the issuance of a new Resource Management Permit as no physical development of the parcel is being proposed. Further, the proposed change in use will not significantly increase the intensity of use on the site beyond the existing and approved use. The total number of persons on the site at any given time will not be greater than already approved numbers. The project site has its on-site water storage system, as well as on-site waste disposal system, which were designed to accommodate the anticipated number of guests as envisioned in the 2007 Use Permit Amendment. No new structures or activities are proposed with this amendment.

3. Conformance with Use Permit Findings

Under the provisions of Section 6500 of the Zoning Regulations, hospitals, rest homes, and sanitariums are permitted in any zoning district outside the Coastal Zone upon issuance of a use permit, in accordance with Section 6503 of the Zoning Regulations. As discussed previously, the proposed use of the site as a residential treatment center falls within an acceptable definition of a “sanitarium.” The current use, a Retreat/Meditation Center, operates under an approved use permit (originally approved in 1991). The current proposal will not significantly increase the intensity of use on the site, but the change in use does trigger the need for this amendment to the use permit. The Board of Supervisors must make the following findings to approve the amendment of this use permit:

That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to

the public welfare or injurious to property or improvements in said neighborhood.

The Planning Commission found that this project will have minimal impacts upon surrounding lands. The nature of the project site (topography and heavy vegetation) limits the visibility of the existing structures from surrounding public viewing points. There will likely be little increase in traffic volume due to the change in use. There are no new structures proposed at this time, and appellants offered no evidence that staff or the Planning Commission found probative to suggest that the proposed change in use, as conditioned, would have a detrimental effect upon the public welfare or improvements in the area.

There is evidence to support a finding that the proposed substance abuse treatment center is necessary for the public health, safety, convenience or welfare.

As discussed above, San Mateo County has a shortfall in available beds for substance abuse treatment. The proposed Stillpath Center could be found to provide a public health benefit by providing a substance abuse treatment facility to County residents that is geographically near the County's major urban populations.

C. ALTERNATIVES

To assist in your deliberations, staff has outlined four possible actions for the Board's consideration:

1. Approve the project as proposed subject to the findings and conditions contained in Attachment A. Additional conditions of approval could be placed upon the project as a result of discussions at the hearing.
2. Approve a reduced project scope. The Board could approve a lower maximum patient census than is currently proposed. Initially, the maximum number of patients would be limited to 28; this is the number that could be accommodated within the main building (14 rooms, two patients per room). No patients would be allowed to occupy the tree houses. An increase in the maximum number of patients would be subject to a 1- or 2-year reevaluation by the Board of Supervisors.
3. Grant the appeals/deny the project. This action would not preclude the applicant from applying for a Use Permit Amendment for different types of uses that are listed in the RM zoning regulations, including, for example hotels, churches, public or private clubs, or commercial recreation uses. If the Board chooses this action, staff has included findings for denial which are contained in Attachment E of this report.

4. Direct staff to prepare an Initial Study and continue this item to a date to be determined. The Board would order this action if it determines, based on the totality of the evidence, that the project may have a significant effect on the environment and that the project may, therefore, require preparation of an environmental impact report. Staff would re-agendize the project once the Initial Study had been completed and circulated in accordance with the CEQA Guidelines.

D. ENVIRONMENTAL REVIEW

Staff determined and the Planning Commission concluded (3-1) that this project is categorically exempt pursuant to Section 15301 of the California Environmental Quality Act, consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

E. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Environmental Health Division
San Mateo County Fire Marshal
California Water Service Company

The approval of this Use Permit Amendment for a non-medical residential treatment center contributes to the 2025 Shared Vision outcome of a Livable Community through compliance with General Plan Land Use Policies that promote the adaptive reuse of existing non-residential structures in a way that protects surrounding resources.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map/Location Map
- C. Appeal Submittal: Community of Interested Neighbors (represented by Ellen Wise)
- D. Appeal Submittal: Skyline Neighborhood Coalition (represented by Anne Mudge – Cox, Castle, and Nicholson)
- E. Alternative Finding for Denial

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit File Number: PLN 2006-00181

Board Meeting Date: March 25, 2014

Prepared By: Michael Schaller
Senior Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Regarding the Environmental Review, Find:

1. That this project is categorically exempt pursuant to Section 15301 of the California Environmental Quality Act, consisting of the operation, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities, involving negligible or no expansion of use.

Regarding the Use Permit Amendment, Find:

2. That the establishment, maintenance and/or conducting of the proposed use, under the circumstances of the particular case and as conditioned, will not be detrimental to the public welfare or injurious to property or improvements in said neighborhood. This project will have minimal impacts upon surrounding lands. The nature of the project site (topography and heavy vegetation) limits the visibility of the existing structures from surrounding public viewing points. There will be little increase in traffic volume due to the change in use. There are no new structures proposed at this time. There is no probative evidence to suggest that the proposed change in use will have a detrimental effect upon the public welfare or improvements in the area.
3. That the proposed substance abuse treatment center is necessary for the public health, safety, convenience or welfare. The proposed Stillpath Center will provide a public health benefit by providing a substance abuse treatment facility to County residents that is geographically near the County's major urban populations.

RECOMMENDED CONDITIONS OF APPROVAL:

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 March 25, 2014. Minor modifications to the project may be approved by the Community

Development Director if they are consistent with the intent of, and in substantial conformance with, this approval.

2. This Use Permit shall be valid for five (5) years following the date of final approval. This permit shall be subject to administrative review for compliance with conditions of approval every two (2) years. The applicant shall file for a renewal of this permit six (6) months prior to expiration with the County Planning and Building Department, if continuation of this use is desired.
3. Any change in use or intensity shall require an amendment to this use permit. Amendment of this use permit requires an application for amendment, payment of applicable fees, and consideration at a public hearing.
4. The applicant shall implement the proposed trail plan as presented at the December 11, 2013 Planning Commission hearing. All trails to be abandoned shall be closed by constructing a 4-foot tall berm across the trail at the point it is to be closed. The portions of the trail behind the berm (to be abandoned) shall be scarified, and then a native plant seed mix shall be broadcast over the scarified surface and then covered by a native forest mulch (to be applied 2 feet thick). The proposed trail plan shall be implemented within 180 days of final project approval.
5. The applicant shall apply for a building permit to construct new signage for the entry gate of the property. Said signage shall be non-illuminated, utilize natural materials, and be subdued in character and color. The applicant shall arrange for a site inspection by the County Planning and Building Department prior to a final sign off on the associated building permit. Said application for permit must be made within 180 days of final project approval.
6. Prior to the issuance of a Certificate of Occupancy for the revised main lodge or any other buildings to be occupied by patients, the applicant shall submit for review and approval an "off-site shuttle plan." Said plan is intended to address the parking demand during patient visiting hours. The plan shall outline where visitors to Stillpath will be picked up and the size of vehicle to be used. The plan shall also outline the procedure by which a patient is allowed to have visitors and how the visiting session is scheduled.
7. The applicant shall implement their "restricted smoking" policy as proposed. To facilitate fire safety, smoking shall be permitted during designated periods within the existing indoor pool/spa room. As a condition of occupancy, this room shall remain unchanged as currently constructed with non-combustible materials, one-hour fire separations, separate ventilation, heat and smoke detectors. This pool/spa room is essential for the principal purpose of hydrotherapy in recovery treatment; therefore, the secondary allowance of controlled indoor smoking shall be scheduled and restricted to prevent conflicting uses. The applicant shall

incorporate and implement a controlled schedule for indoor smoking into their “restricted smoking” policy.

8. This use permit amendment does not authorize the permit holder to accept patients who have been ordered by a court of law to attend or enroll in a substance abuse treatment program and such patients shall not be accepted.

Conditions Applicable to Unfinished Buildings

9. All remaining deferred construction work, approved under use permit amendment (PLN 2006-00181) on January 24, 2007, shall be completed under a valid building permit prior to occupancy.
10. All new utilities (for the previously approved but not completed structures) shall be installed underground from the nearest existing utility pole. No new utility poles are to be installed.
11. The applicant shall incorporate energy efficiency measures for all approved (but not completed) development, including any mechanical systems and appliances.
12. There shall be no removal of any significant vegetation that screens the view of the project from Skyline Boulevard. Removal of any such vegetation shall be permitted only by the Planning Commission as part of an application for Architectural Review.
13. Prior to the beginning of any new construction activities (for the previously approved but not completed structures), the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan which shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including:
 - a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
 - b. Minimize the area of bare soil exposed at one time (phased grading).

- c. Clear only areas essential for construction.
 - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative Best Management Practices (BMPs), such as mulching or vegetative erosion control methods, such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
 - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
 - g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
 - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using appropriately designed earth dikes, perimeter dikes or swales, or diversions.
 - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
 - j. Install appropriately designed storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems.
 - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
 - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
 - m. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved erosion control plan.
14. Prior to any future demolition, grading, or construction activity associated with the deferred construction work on the project site, the applicant shall implement a tree protection plan. Said plan shall include:

- a. All trees to be preserved, adjacent to construction areas, will be fenced with 6-foot chain-link fencing, if feasible. The fencing shall be located in accordance with the tree protection zones identified in the tree survey prepared by the project arborist, McClenahan Consulting, dated June 29, 2006.
 - b. Said fencing shall be installed prior to commencement of construction/demolition activities and be approved by the project arborist.
 - c. For trees where the entire tree protection zone cannot be fenced, the arborist shall determine the adjusted fencing location and prescribe additional protection measures where necessary. Larger areas of preserved trees, outside the construction zone, shall be fenced to prevent equipment from entering these locations.
 - d. All subsurface utility lines shall be placed outside of tree protection fencing areas to avoid impact to tree roots.
 - e. No grading shall occur within the area enclosed by tree protection fencing.
 - f. The pruning of branches greater than 2 inches in diameter or the cutting of roots greater than 1 inch in diameter must be approved in advance by the arborist.
 - g. No materials, including soil, shall be stored within the dripline or protection zone of preserved trees.
15. Noise-generating construction activities associated with the previously approved but deferred construction shall be scheduled between August 31 and February 15, outside the breeding season of raptors. If construction must occur during raptor breeding season (February 15 through August 31), pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to construction to determine if raptors are nesting in the project area.
16. Prior to beginning construction to complete the deferred building permits, the applicant shall submit a dust control plan to the Current Planning Section for review and approval prior to the issuance of a building permit for the project. The approved plan shall be implemented for the duration of any grading, demolition, and construction activities that generate dust and other airborne particles. The plan shall include the following control measures:
- a. Water all active construction areas at least twice daily.
 - b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

- c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
 - d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
 - e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
 - f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
 - g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - h. Limit traffic speeds on unpaved roads within the project parcel to 15 mph.
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - j. Replant vegetation in disturbed areas as quickly as possible.
17. Noise levels produced by proposed construction activities shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
 18. Signs prohibiting vehicles from being left unattended and limiting the time for loading and unloading to 10 minutes shall remain posted and maintained at the entry plaza location where vehicles could be parked for extended periods of time.
 19. Prior to the issuance of final occupancy permits for the deferred building permits, Planning staff shall confirm that the buildings were painted the previously approved colors.

Department of Public Works

20. The applicant shall comply with the provisions of the County Drainage Guidelines and NPDES permit throughout all phases of construction (for the deferred building permits).

San Mateo County Fire Department

21. Occupancy change will require the facility to meet all current building and fire code requirements for the new occupancy when the building permit is applied for.
22. Within 180 days of project approval, the applicant shall coordinate with the County Fire Marshal to conduct a “defensible space” inspection for the project site. Said inspections shall be conducted annually. The applicant shall notify the Planning and Building Department when such inspections have been conducted and their results.

Existing Conditions of Approval from 2007 Stillheart Permit which Still Apply

23. Portable fire extinguishers with a minimum rating of 2A-10BC are required to be placed throughout your project. Contact a licensed/certified fire extinguisher company for proper placement of the required extinguishers.
24. Portable type K-Extinguishers will be required in the kitchen area for this project. Contact a licensed/certified fire extinguisher company for proper size and placement of the required extinguishers.
25.
 - a. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrester of a mesh with an opening no larger than 1/2 inch in size, or an approved spark arresting device.
 - b. Maintain around and adjacent to such buildings or structures a fuel break/firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures or to the property line, if the property line is less than 30 feet from any structure. This is not a requirement or an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within 5 feet of any portion of any building or structures.
 - c. Remove that dead or dying portion of any tree which extends over the roofline of any structure.