

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

**DATE:** August 3, 2023

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Use Permit Renewal, pursuant to § 6500 of the Zoning Regulations, to allow the continued operation of the Filoli Center, located at 86 Cañada Road in the unincorporated Woodside area of San Mateo County.

County File Number: PLN 1999-00710 (Filoli)

**PROPOSAL**

The project applicant requests a use permit renewal to allow the continuation of uses and activities associated with the Filoli Center. Structures associated with the use include the main house, visitor center, administration buildings, greenhouses, a potting shed, a restroom building, outdoor snack area and the staff lounge. Activities currently permitted at the site include tours of the historic house and gardens, educational classes, private parties and fund-raising events.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Use Permit Renewal, County File No. PLN 1999-00710 by making the required findings and adopting the conditions of approval listed in Attachment A.

**BACKGROUND**

Report Prepared By: Tiare Peña, Project Planner; [Tpena@smcgov.org](mailto:Tpena@smcgov.org)

Applicant: Filoli Center

Owner: National Trust for Historic Preservation, Washington, D.C.

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper San Mateo Times.

Location: 86 Cañada Road, Woodside

APNs: 067-270-040 and 067-270-060

Size: 126 acres

Existing Zoning: R-E/S-11 (Residential Estates/Minimum Parcel Size 1-5 acres)

General Plan Designation: Open Space

Sphere-of-Influence: N/A

Existing Land Use: Historic Home and Philanthropic Institute

Water Supply: Wells and City of San Francisco Watershed

Sewage Disposal: Septic System

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone D, Community Panel No. 06081 C0285E effective date 10/16/2012.

Environmental Evaluation: The project is categorically exempt pursuant to §15301, Class 1, of the California Environmental Quality Act (CEQA) Guidelines for the continued operation of existing public or private facilities involving no physical changes or expansion of use.

Setting: The parcels are located a mile west of Cañada Road and were originally part of the 1,400-acre Phleger Estate. The site is covered with Oak trees, Redwood trees and other natural vegetation except for approximately 16 acres where the orchard, gardens and the residence are located. The 8,000 sq. ft. residence was constructed in 1923 and is surround by landscaping and a number of small outbuildings. Buildings include an 8,250 sq. ft. visitor center and a 3,990 sq. ft. carriage house. Accessory buildings include a pump house, garden tool and lathe houses, greenhouses, a detached garage to serve the main residence, a caretakers' unit and a pool cabana.

Chronology:

<u>Date</u>	<u>Action</u>
1982	- First use permit for the Filoli Center is issued.
1987	- Five-year use permit renewal approved by the Zoning Hearing Officer.
May 18, 1993	- Use permit amendment approved allowing revisions to the original approval for reconstruction of the carriage house.
April 20, 2000	- Zoning Hearing Officer approves use permit amendment to allow the construction of a new nursery and storage facility on the parcel.

- July 28, 2004 - Use permit amendment to allow a 158 sq. ft. restroom facility and a 1,369 sq. ft. addition to the existing Visitor Center café and a Tree Removal permit approved.
- July 8, 2022 - Application submitted for use permit renewal.
- August 3, 2023 - Zoning Hearing Officer public hearing.

**DISCUSSION**

A. KEY ISSUES

1. Conformance with the San Mateo County General Plan

The San Mateo County General Plan designates this property as General Open Space and outside the urban/rural boundary. Recreation is a primary feasible use associated with land designated as open space. Furthermore, staff has determined that the project complies with applicable General Plan policies, with specific discussion of the following:

Chapter 4 -Visual Quality Policies

Policies 4.47 through 4.68, which regulate architectural design standards for rural scenic corridors, require the design of structures to be compatible in size and scale with the building site and surrounding environment, and to conform to the natural topography and blend with the natural vegetation. In addition, the policies require, to the extent practical, the location of development so it does not obstruct views from scenic roads or disrupt the visual harmony of the natural landscape. These policies further require the design and construction of new roads to be sensitive to the visual qualities and character of scenic corridors and that all utility lines are placed underground.

The original use permit and subsequent amendments all required conformance with these General Plan policies and past improvements to the property were approved subject to conformance with these General Plan policies. Staff completed a site visit to the Filoli Center and Gardens and has determined that the project continues to be in conformance with all applicable General Plan Policies.

2. Compliance with Zoning Regulations

The project is located in the R-E/S-11 Zoning District. In 1981, the Zoning Hearing Officer approved the Use Permit allowing the operation of the center by making the findings required to allow an institution of a philanthropic or charitable nature pursuant to § 6500(c.6). In 1987, the

Zoning Hearing Officer approved the renewal of the Use Permit, and subsequent amendments were also found to be consistent with all zoning requirements approved in 1993, 2000, and 2004. No changes or additional improvements are proposed at this time.

3. Compliance with Conditions of Last Approval

Staff has reviewed the previous Use Permit conditions of approval for The Filoli Center and Gardens (PLN 1999-00710) last approved January 17, 2013 and has determined that the facility is in compliance with all previous conditions. Previous conditions that remain relevant are included in Attachment A of this report.

4. Compliance with Use Permit Finding

In order to approve the use permit to allow the continued operation of this facility, the Zoning Hearing Officer must make the following finding:

**That the establishment, maintenance and/or conducting of the proposed use will not, under the circumstances of this particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

Staff has conducted a site inspection and reviewed the project against the General Plan and Zoning Regulations as outlined in this report. Staff has received no complaints about the operation of the Filoli Center. Based on said review and the history of Filoli Center and Gardens as an asset to the community, staff has determined that the continued use of the facility will not cause detrimental impacts to the public welfare, therefore this finding can be made.

B. ENVIRONMENTAL REVIEW

The project is exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA) under the provisions of §15301, Class 1 of the California Environmental Quality Act for the continued operation of existing public or private facilities involving no physical changes or expansion in use.

C. REVIEWING AGENCIES

1. County Fire

## **ATTACHMENTS**

- A. Recommend Findings and Conditions of Approval
- B. Location Map
- C. PLN 2004-00106, conditions from the 2013 Use Permit Approval

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 1999-00710

Hearing Date: July 20, 2023

Prepared By: Tiare Peña, Project Planner

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That the project is categorically exempt from the California Environmental Quality Act (CEQA) under provisions of §15301, Class 1, for the continued operation of existing public or private facilities involving no additional physical changes and no expansion of use.

For the Use Permit, Find:

2. That the establishment, maintenance and/or conducting of the proposed use will not, under the circumstances of this particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood because the Filoli Center is a historic asset to the community that complies with the County's General Plan and Zoning Regulations.

**CONDITIONS OF APPROVAL**

1. This approval applies only to the proposal, documents, and plans described in this report and submitted to and approved by the Zoning Hearing Officer on July 20, 2023. Modifications beyond that which was approved by the Zoning Hearing Officer will be subject to review and approval by the Community Development Director and may require review at a public hearing. Minor modifications that are largely consistent with this approval may be approved at the discretion of the Community Development Director.
2. This permit shall be valid for ten (10) years from the date of this approval and shall expire on July 20, 2033. If continuation of this use is desired, the applicant shall file a use permit renewal application with the Planning and Building Department six months prior to its expiration and pay the fees applicable at that time.

3. This permit shall cover the facilities and activities as presently operating, including the visitor center, reference library, maintenance and nursery buildings, restroom outbuilding, nature tours, educational activities and special events.
4. The hours of operation for tours shall be from 7:00 a.m. to 5:00 p.m.; special event and staff functions may be scheduled at other hours. The number of persons regularly allowed on the property shall not exceed 450.
5. The permanent stormwater controls shall be maintained throughout the life of the project.

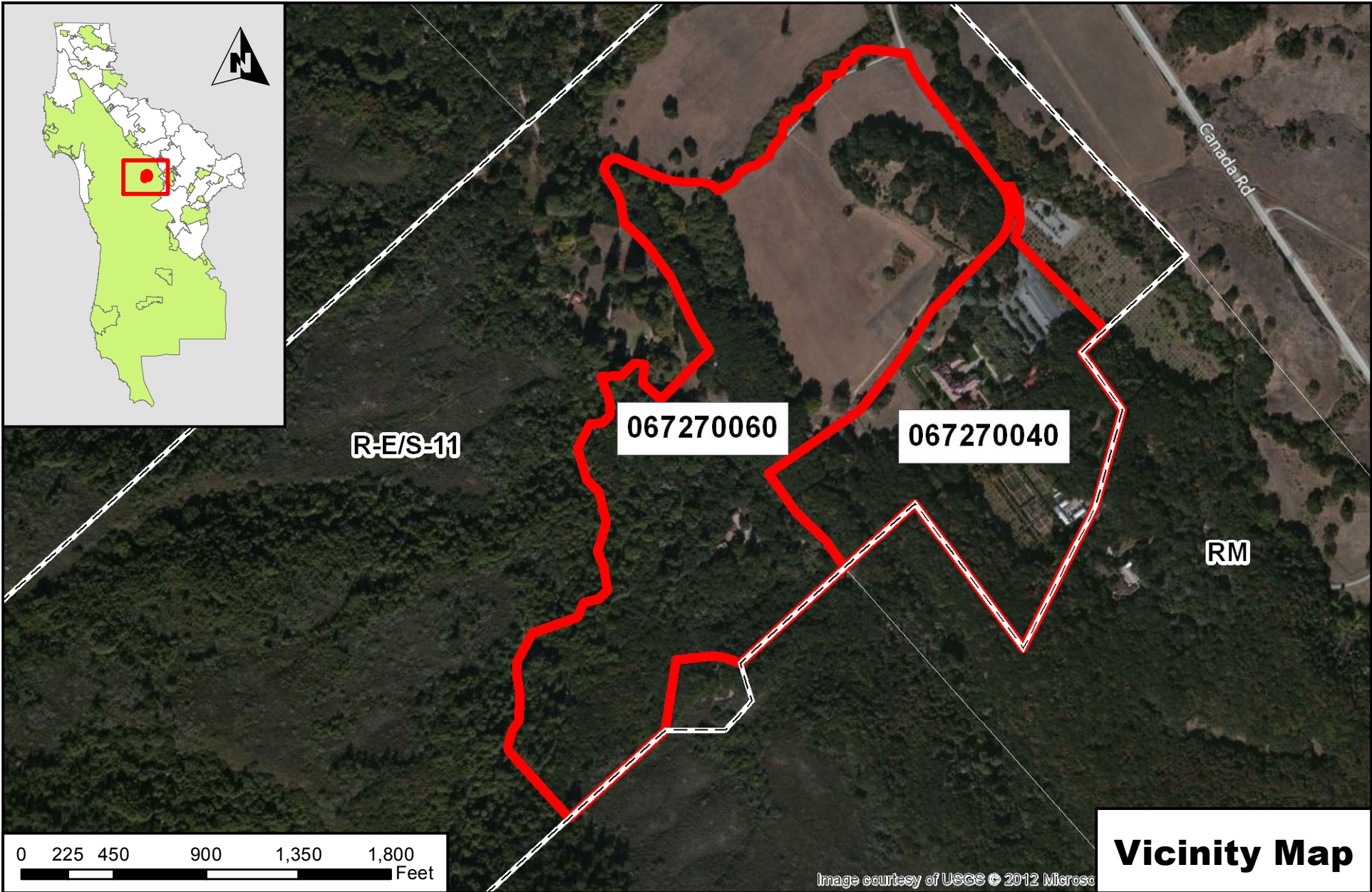
#### County Fire

6. The applicant is advised that the project site is located within the Fire Hazard Severity Zone No. 3304 on Official Maps of the California Department of Forestry and Fire Protection and has been designated as having a moderate wildland fire danger rating. The site is further located within the boundaries of the San Francisco Peninsula Watershed Hazardous Fire Area as defined in Title 14, California Code of Regulations § 1205.4. Lands within such areas are subject to annual fire safety clearance provisions of Public Resource Code §4291 and, upon sale or transfer, the owner must comply with the disclosure requirements of Public Resources Code § 4136.
7. Prior to May 5 of each year of the renewal period, the applicant shall schedule an inspection of the site with the County Fire Marshal. The inspection will verify that all structures have been provided with the minimum 30-foot clearance of standing vegetation excluding any ornamental shrubbery, that all spark arresting screens are installed and functional, that all roofs are free of accumulations of vegetative material, and that all dead wood has been removed from trees overhanging all structures.
8. The applicant shall annually remove accumulations of vegetation adjacent to the parking area as deemed appropriate by the County Fire Marshal.
9. The applicant shall ensure that all portable fire extinguishers, fire extinguishers and fire extinguishing systems are maintained and serviced by licensed personnel and shall provide documentation upon request of the County Fire Marshal.
10. The applicant shall obtain building permits for all events where tents or tarps are erected and shall comply with any specific conditions of the Fire Marshal based on the particular event or activity.

11. All roadways shall be vertically clear from any obstructions to a height of 13-feet by 6 feet.
12. Any chimney or woodstove outlet shall have installed onto the opening no larger than 1/2-inch in size, or an approved spark arresting device. 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 nor 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. Remove that dead or dying portion of any tree which extends over the roof line of any structure.

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT C

## KEY ISSUES

### A. COMPLIANCE WITH CONDITIONS OF THE LAST APPROVALS

All of the use permit's conditions of approval for the current use permit and amendments are assessed below with regard to compliance with conditions and whether the conditions should be retained or revised. This section reviews both the conditions imposed on the renewal of the use permit for the whole site and conditions imposed on the 2004 amendment allowing construction of additions to the site. The 2004 amendment's Condition 2 required conformance to all conditions from the 2002 renewal. The conditions of approval on this renewal will consolidate the two sets of conditions.

#### Conditions of Approval for the 2002 Renewal:

##### Planning Division

1. This use permit shall be valid for a period of ten (10) years from the date of approval or until May 16, 2012. The applicant shall apply for a use permit renewal and pay all applicable fees six (6) months prior to the date of expiration of this permit, if the applicant desires to continue the use at this site.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, with modification. Condition should be changed to reflect a permit expiration date of ten (10) years from the date of this approval, January 3, 2023. No administrative review will be required as a part of this amendment.

2. This permit shall cover the facilities and activities as presently operating, including the visitor center, reference library, maintenance and nursery buildings, nature tours, educational activities, and special events. Any significant changes or additions to the facility or its uses shall require permit amendment.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, amended to include the restroom permitted by the 2004 amendment.

3. The hours of operation for tours shall be from 7:00 a.m. to 5:00 p.m.; special events and staff functions may be scheduled at other hours. The number of persons regularly allowed on the property shall not exceed 450.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

#### Geotechnical Section

4. The applicant is advised that the project site is located within the active San Andreas Fault Zone. The visitor center is located about 100 feet from where the ground ruptured in 1906. Severe ground shaking and local ground rupture are very likely during the lifetime of the visitor center building and the entire project.

Compliance with Condition? This condition is advisory.

Recommend to Retain Condition? Yes.

#### California Division of Forestry/County Fire Marshal

5. The applicant is advised that the project site is located within Fire Hazard Severity Zone No. 3304 on Official Maps of the California Department of Forestry and Fire Protection, and has been designated as having a moderate wildland fire danger rating. The site is further located within the boundaries of the San Francisco-Peninsula Watershed Hazardous Fire Area as defined in Title 14, California Code of Regulations Section 1205.4. Lands within such areas are subject to annual fire safety clearance provisions of Public Resources Code Section 4291 and, upon sale or transfer, the owner must comply with the disclosure requirements of Public Resources Code Section 4136.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

6. Prior to May 5 of each year of the renewal period, the applicant shall schedule an inspection of the site with the County Fire Marshal. The inspection will verify that all structures have been provided with the minimum 30-foot clearance of standing vegetation excluding any ornamental shrubbery, that all spark arresting screens are installed and functional, that all roofs are free of accumulations of vegetative material, and that all dead wood has been removed from trees overhanging all structures.

Compliance with Condition? Yes. The Fire Marshal completed inspection of the site on November 6, 2012, and signed off on the requirements.

Recommend to Retain Condition? Yes.

7. The applicant shall annually remove accumulations of vegetative material and growth in vehicular parking area, and shall reduce or remove standing vegetation adjacent to the parking area as deemed appropriate by the County Fire Marshal.

Compliance with Condition? Yes. The Fire Marshal completed inspection of the site on November 6, 2012, and signed off on the requirements.

Recommend to Retain Condition? Yes.

8. The applicant shall ensure that all portable fire extinguishers and fire extinguishers and fire extinguishing systems are maintained and serviced by licensed personnel and shall provide documentation upon request of the County Fire Marshal.

Compliance with Condition? Yes. The Fire Marshal completed inspection of the site on November 6, 2012, and signed off on the requirements.

Recommend to Retain Condition? Yes.

9. The applicant shall obtain building permits for all events where tents or tarps are erected, and shall comply with any specific conditions of the Fire Marshal based upon that particular event or activity.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

10. Prior to transmittal of the renewal of the use permit, the applicant shall submit payment for the Fire Marshal's review fees as established by the Board of Supervisors.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. No fees are due.

11. All roadways shall be vertically clear from any obstructions to a height of 13'-6".

Compliance with Condition? Yes. The Fire Marshal completed inspection of the site on November 6, 2012, and signed off on the requirements.

Recommend to Retain Condition? Yes.

**Conditions of Approval for the 2004 Amendment**

Planning Division

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 July 28, 2004. The Planning Director may approve minor revisions or modifications to the project if they are consistent with the intent of and in substantial conformance with this approval.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The applicant applied for and received a building permit, which received final approval on September 26, 1996, to the satisfaction of all departments of the Planning and Building Division.

2. Filoli Center shall continue to operate pursuant to all of the Conditions of Approval adopted by the Zoning Hearing Officer on May 16, 2002, under County File Number PLN 1999-00710.

Compliance with Condition? Yes.

Recommend to Retain Condition? No; this is superfluous.

3. The applicant shall apply for and be issued a separate building permit and comply with all the requirements of the County Building Inspection Section for issuance of said permit for each structure permitted as a part of this Use Permit Amendment prior to initiating and throughout the construction of the project. No grading or construction shall occur until the applicant has been issued a valid building permit for the proposed project. The required building permits must be issued prior to the expiration of the current Use Permit, May 16, 2012. If the required building permits have not been issued by that time, the applicant must reapply for a Use Permit Amendment to construct these proposed additions to Filoli Center, and approval of the proposed structures will be reevaluated at the time of the Use Permit Renewal.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The applicant proposes no new construction.

4. This permit allows for the removal of four (4) oak trees within the proposed building envelope of the café expansion of the Visitor Center. If any additional trees require removal, the applicant must apply for a separate tree removal permit prior to removal of those trees.

Compliance with Condition? Yes.

Recommend to Retain Condition? No.

5. Prior to issuance of a building permit, the applicant shall submit to the Planning Division for review and approval a tree protection plan, indicating how the root system of any tree located within 15 ft. of the footprint of any proposed structure will be protected to prevent damage during the construction of the project.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The applicant proposes no new construction.

6. The required tree protection plan shall be in place prior to the start of any construction on the property.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The applicant proposes no new construction.

7. Prior to the issuance of a building permit, the applicant will submit to the Planning Division for review and approval an erosion control and stormwater management plan, which shows how the transport and discharge of pollutants from the project site will be minimized. The plan shall emphasize the use of pervious materials and the minimization of water runoff from the site. The goal is to prevent sediment and other pollutants from entering the local drainage systems and water bodies, and to protect all exposed earth surfaces from erosion forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
- b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.

- c. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
- d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to a local storm drain system or water body.
- e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The applicant proposes no new construction.

- 8. Prior to the issuance of the building permit, the applicant shall submit to the Planning Division for review and approval a permanent stormwater control plan showing how, after construction, water flow will be diverted and filtered to prevent flooding and oversaturation of soils with water. The use of landscaping to prevent water runoff from the site is encouraged.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The applicant proposes no new construction.

- 9. The approved stormwater management plan shall be implemented prior to the issuance of a building permit. The permanent stormwater controls shall be in place throughout the grading, construction and life of the project.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, modified to require only the maintenance of permanent stormwater controls.

- 10. All power and telephone utility lines shall be placed underground starting at the closest existing utility pole.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. There may be a need for new lines.

- 11. The applicant is required to monitor the noise level at the site so that the proposed construction activity will not exceed 80-dBA at any one moment in time. No construction-related noise shall exceed those limits mandated by the County Noise Ordinance. 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.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The applicant proposes no new construction.

12. Prior to final inspection by the Building Inspection Section, the applicant must demonstrate that any ground disturbed during construction has been reseeded, landscaped or covered with an appropriate groundcover to prevent erosion.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The applicant proposes no new construction.

13. Automatic Fire Sprinklers may need to be relocated or installed to provide adequate coverage when additions are made or improvements are installed.

Compliance with Condition? Yes.

Recommend to Retain Condition? No.

14. Occupancy separations will be required as per the current Uniform Building Code, Section 503.

Compliance with Condition? Yes.

Recommend to Retain Condition? No, because no new construction is proposed, and the facility has passed its Cal-Fire inspections.

15. This project must comply with Title 19 of the California Code of Regulations (C.C.R.).

Compliance with Condition? Yes.

Recommend to Retain Condition? No, because no new construction is proposed, and the facility has passed its Cal-Fire inspections.

16. Panic hardware and exit signs must be installed as per Chapter 33 of the current Uniform Building Code.

Compliance with Condition? Yes.

Recommend to Retain Condition? No, because no new construction is proposed, and the facility has passed its Cal-Fire inspections.

17. All roof assemblies shall have a minimum CLASS-B fire-resistive rating and be installed in accordance with the manufacturer's specifications and current Uniform Building Code.

Compliance with Condition? Yes.

Recommend to Retain Condition? No, because no new construction is proposed, and the facility has passed its Cal-Fire inspections.

18. All Occupancy Loads will be set by the San Mateo County Building Inspection Section and will be supported and enforced by the County Fire Department.

Compliance with Condition? Yes.

Recommend to Retain Condition? No, because no new construction is proposed, and the facility has passed its Cal-Fire inspections.

19. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrestor of a mesh with an opening no larger than 1/2-inch in size, or an approved spark arresting device. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and cleaning 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 nor 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. Remove that dead or dying portion of any tree which extends over the roof line of any structure.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

#### Environmental Health

20. At the building application stage, the applicant shall obtain a permit to install the on-site sewage disposal system to serve the new restrooms.

Compliance with Condition? Yes.