COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: December 7, 2023

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit renewal, pursuant to Section 6500 of the San Mateo County Zoning Regulations, to allow the continued operation of a privately owned park and open space area located in the unincorporated Emerald Lake Hills area of San Mateo County.

County File Number: PLN 1999-00644 (Handley Rock Association)

PROPOSAL

The Handley Rock Association requests to renew its Use Permit to allow for the continued operation of Handley Rock Park, a privately owned park and open space area. The property has been used as a private park since the original Use Permit was granted in May of 1993.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit renewal, County File Number PLN 1999-00644, by making the required finding and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Katheryne Castro Rivera, Project Planner

Applicant: Dan Cornew on behalf of Handley Rock Association

Owner: Handley Rock Association

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) of general public circulation.

Location: 666 Handley Trail, Emerald Lake Hills

APN: 068-012-340

Size: 0.53 acres

Existing Zoning: RH/DR (Residential Hillside/Design Review)

General Plan Designation: Low Density Residential

Sphere-of-Influence: City of Redwood City

Existing Land Use: Privately owned and operated park (open space)

Water Supply: The project parcel is located within City of Redwood City Municipal Water Department service area but there are no elements on parcel that require a connection.

Sewage Disposal: The project parcel is located within Emerald Lakes Sewer District service area but there are no elements on parcel that require a connection.

Flood Zone: Zone X (Defined as an area of minimal flood hazard risk). FEMA Community Panel Number: 06081C0285E, dated October 16, 2012.

Environmental Evaluation: Categorically exempt per Section 15301, Class 1 of the California Environmental Quality Act for continued operation of existing facilities.

Setting: The subject parcel is 0.5-acre in size and fronts Handley Trail. The site is dominated by a 20-foot-high sandstone rock (Handley Rock). The front half of the parcel is relatively flat while the rear half of the parcel drops off sharply toward the parcels to the rear and Sylvan Way. The lower side of the parcel (Sylvan Way) exposes approximately 40 feet of rock height, upon which there are several caves and ledges. Oak trees and brush surround the base of the rock. The rock attracts local rock climbers and neighborhood children.

Chronology:

<u>Date</u>		Action
July 1991	-	A complaint is filed with the Planning Department regarding the operation of a park without a permit.
October 1991	-	Use Permit application was filed.
October/ December 1992		Planning Commission approves a Use Permit for the park. Subsequently, the decision is appealed.

March 1993	-	Planning staff meets with representatives of the Handley Rock Association (Association) to discuss the issues, recommendations, and alternatives.		
March 30, 1993	-	Board of Supervisors approves the Use Permit.		
August 1993 to January 1994		Four (4) Administrative Review Reports to the Planning Commission show park grounds in good condition and that conditions of approval are being met.		
January 19, 1994	-	Use Permit renewal application filed.		
April 13, 1994	-	Planning Commission approves the Use Permit renewal. Subsequently, the decision is appealed to the Board of Supervisors.		
October 4, 1994	-	Board of Supervisors approves the Use Permit renewal subject to amended conditions.		
May 1995 to January 1997		Two of four required Administrative Review Status Reports to the Planning Commission to show that park use, and maintenance comply with Use Permit conditions were completed. Two status reports were not submitted.		
September 28, 1999	-	Use Permit renewal application filed.		
July 12, 2000	-	Planning Commission approves the renewal of the Use Permit.		
July 12, 2005	-	Use Permit expires.		
September 26, 2005	-	Use Permit renewal application filed.		
September 20, 2005	-	Staff performed a site visit and observed evidence of drug use at the site. Staff notified neighbors who own property within 300 feet of the site of the application for Use Permit renewal. Staff received several public comments regarding drug use, smoking, use of fireworks, noise and litter at the site. Staff requested that the applicant submit a current version of the park policing plan, an Authorization Agreement with the Sheriff's Office, and a list of contact persons at the Sheriff's Office.		

December 22, 2005	-	The applicant and the Association board members worked
		with the Sheriff's Office to formalize and implement a park
		policing plan. During this time, the Association board
		promoted community involvement in the park and park safety
		through events and materials (including climbing and clean-
		up events and distribution of newsletters).

- 2005 to 2012
 During this time period, the application remained incomplete, with periodic check-ins from staff. Subsequently, the applicant explained that the application stalled due to extenuating personal circumstances.
- September 19, 2012 In an effort to re-activate this case, staff requested that the applicant submit the required documents within 30 days.
- October 16, 2012 The applicant submitted the required documents to staff.
- October 29, 2012 Planning staff met with the applicant and other Association board members at the site and conducts a field inspection of the park.
- December 20, 2012 Zoning Hearing Officer approved the Use Permit renewal.
- November 17, 2017 Administrative review notice sent to property owner.
- December 14, 2017 Administrative review initiated.
- January 24, 2018 Staff approved administrative review.
- May 25, 2022 Use Permit renewal application filed.
- January 18, 2023 Application deemed complete.
- February 2023 Additional supporting materials requested.
- October 2023 Outstanding information received from applicant.
- December 7, 2023 Zoning Hearing Officer Meeting.

BACKGROUND

Previous renewal applications for Handley Rock Park have at times been controversial due to neighborhood concerns regarding noise and illegal or suspicious activity (including trespassing, fires, drug use, and graffiti) occurring at the park. Since 2005, the applicant and the Association board members have partnered with the County Sheriff's Office to implement a park policing plan (Attachment D), which represented a

fundamental shift from policing by the Association board members to policing by the Sheriff's Office. The plan was put together following recommendations from the Sheriff's Office. It provides a clear, timely, and consistent response plan to complaints of suspicious behavior by directing complaints to the Sheriff's Office and involves the neighborhood by requiring the Association board to conduct continued neighborhood outreach and education. The current version of the park policing plan was submitted, reviewed, and approved at last Use Permit renewal in 2012. The Association's board has provided feedback indicating that plan's implementation has improved safety at the park. Staff has not received complaints during this Use Permit cycle.

DISCUSSION

A. <u>KEY ISSUES</u>

1. <u>Conformance with the General Plan</u>

The project continues to conform with the applicable General Plan policies for Visual Quality, Parks and Recreation Resources, and Land Use as no physical changes to the existing facility are proposed. Requirements for graffiti to be removed, and brush and weeds to be cleared have been observed and continue to be included in the conditions of approval. The applicant has provided to the County an updated park policing plan which includes contact information for the three directors of Handley Rock Association. The County Sheriff's Office has reviewed the project resubmittal and had no comments.

2. <u>Compliance with the Zoning Regulations</u>

The project site is located within the RH/DR (Residential Hillside/Design Review) zoning district. The existing park is operating under a previously approved Use Permit and no policy or physical changes are proposed. No complaints regarding the project have been received since the date of last renewal. The project remains consistent with the RH/DR zoning district requirements.

3. <u>Compliance with Use Permit Regulations</u>

The following finding must be made in order to approve the Use Permit renewal:

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 application does not include any requests for modifications to the operation of the park or any physical construction. The operation of the park continues to adhere to the previous conditions of approval including the

implementation of the park policing plan to effectively address park safety and noise impacts. Since the last renewal, staff has not received complaints in regard to the park or its operation. The park policing plan submitted as part of the Use Permit renewal application was updated to reflect the request for a renewal, but no substantial changes to the plan have been made. The park provides a enjoyed amenity to the neighborhood and as conditioned does not result in detriment to the public welfare or injurious to property or improvements in the neighborhood.

4. Conformance with Conditions of Last Use Permit Approval

On December 21, 2022, Planning staff conducted a field inspection of the property. Staff observed that the vegetation at the park was well maintained and found the park generally free of graffiti and litter.

Staff has reviewed the previous Use Permit conditions of approval for this permit, last approved December 20, 2012, and has determined that the project is in compliance with all previous conditions. Staff reviewed the Statement of Compliance document (Attachment E) submitted by the applicant that confirms that each condition continues to be met. No physical changes are proposed as part of the renewal. Previous conditions that remain relevant are included in Attachment A of this staff report.

B. <u>ENVIRONMENTAL REVIEW</u>

The project is categorically exempt pursuant per Section 15301, Class 1, of the California Environmental Quality Act (CEQA) Guidelines for the continued operation of existing public or private facilities involving no alterations or expansion of use as no physical changes are proposed.

C. <u>REVIEWING AGENCIES</u>

County Sheriff's Office

ATTACHMENTS

- A. Required Finding and Conditions of Approval
- B. Location Map
- C. Conditions of Approval, December 20, 2012
- D. Handley Rock Park Policing Plan 2023, received January 18, 2023
- E. Handley Rock Park Association Statement of Compliance 2023, received October 4, 2023
- F. List of HRA Board Members 2023, received June 22, 2023
- G. Proof of Insurance, received October 4, 2023

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County of San Mateo Planning and Building Department

RECOMMENDED FINDING AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 1999-00644 Hearing Date: December 7, 2023

Prepared By: Katheryne Castro Rivera, Project Planner For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDING

For the Use Permit, Find:

1. That the continued use of Handley Rock Park will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Park safety and noise issues have been effectively addressed by the implementation of the policing plan with the implementation of the conditions of approval, which includes continued implementation of the park policing plan and continued partnership with the Sheriff's Office, it is anticipated that noise and safety concerns will continue to be effectively addressed.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

- 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 December 7, 2023. The Community Development 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.
- 2. This Use Permit shall be valid for ten (10) years and shall be reviewed administratively at five (5) years (December 2028) from the date of approval. The applicant shall apply for renewal of the Use Permit and pay applicable renewal fees six months prior to expiration.

- 3. Handley Rock Association board members shall refer all community complaints of excessive noise, obnoxious behavior, fire danger, nighttime use of the park or the breaking of other park rules to the Sheriff's Office. In partnership with the Sheriff's Office, Association board members shall review and amend its park policing plan as necessary to address ongoing concerns. A copy of the revised park policing plan shall be provided to the Current Planning Section, following its approval by the Sheriff's Office.
- 4. The applicant shall provide updated contact information should any member of the Handley Rock Association change for all non-emergency, maintenance-related complaints. All complaints regarding suspicious behavior shall be directed to the Sheriff's Office. These telephone numbers will be posted at the park and provided to any neighbor that requests them. Anyone who believes they received unsatisfactory response from the Handley Rock Association to a politely tendered request will forward a written complaint to the Handley Rock Park file at the Planning Department.
- 5. The applicant shall maintain two signs in the park with the hours of operation of the park per the Sheriff's Office specifications, so that the Sherriff's Deputies may arrest nighttime trespassers.
- 6. The applicant shall maintain two permanent signs providing a listing of the rules of the park, in conformance with the approved park policing plan and conditions of Use Permit approval.
- 7. The rules of the park shall include the following:
 - a. Day use of the park only:

Saturdays/Sundays	<u>Weekdays</u>
9:00 a.m. – dusk	8:00 a.m. – dusk

- b. Absolutely no smoking or fires of any kind;
- c. No alcohol or illegal substances of any kind;
- d. There shall be no amplified music or radios in the park; and
- e. There shall be a maximum of eight rock climbers on Handley Rock at one time, except during Association-scheduled events.
- 8. Graffiti shall be removed or obscured in a timely manner to the satisfaction of the Community Development Director.

- 9. Brush and weeds shall be cleared annually to the satisfaction of Cal-Fire and the Woodside Fire Protection District.
- 10. The applicant shall maintain the current all-weather graveled parking area to accommodate three (3) vehicles, in accordance with the Zoning Regulations.
- 11. The Handley Rock Association shall refer all complaints regarding noise control within the neighborhood and vehicle parking to the Sheriff's Office.
- 12. The applicant shall maintain evidence of insurance coverage for all damages arising out of any negligent acts of the Association in the amount of \$1 million dollars of insurance per incident, plus \$1 million dollars of umbrella coverage to the satisfaction of the County Attorney's Office.

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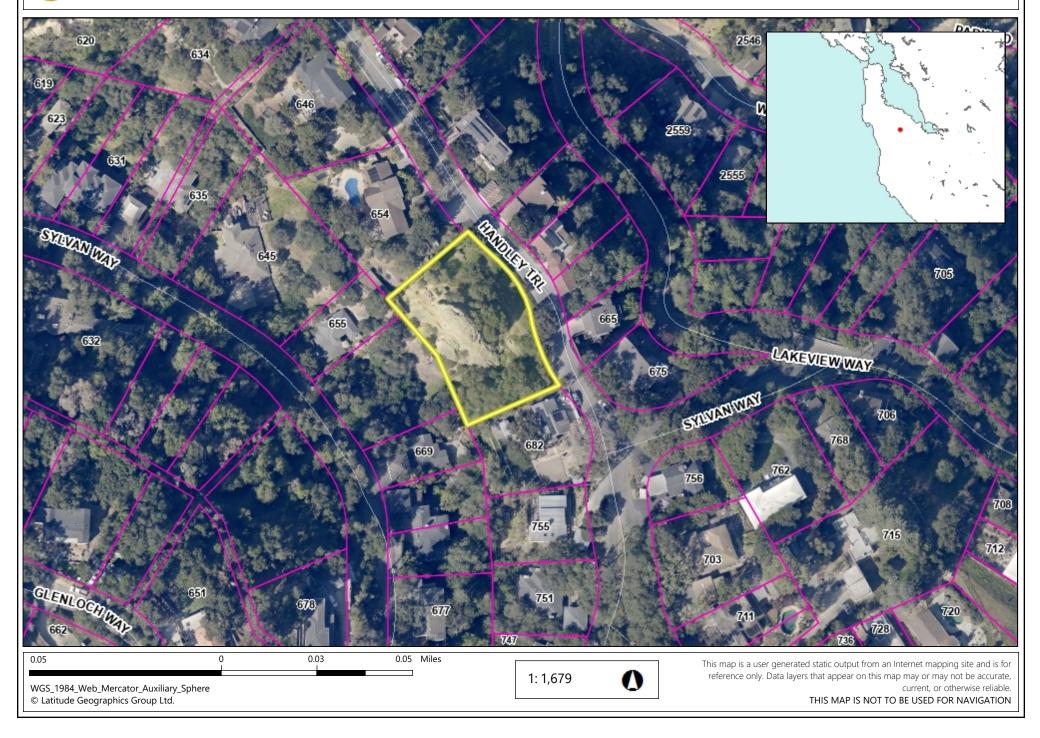
ATTACHMENT B





San Mateo County

County San Mateo, CA



ATTACHMENT C



Page 3

Attachment A

County of San Mateo Planning and Building Department

FINDING AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 1999-00644

Hearing Date: December 20, 2012

Prepared By: Camille Leung, Project Planner

Adopted By: Zoning Hearing Officer

FINDING

For the Use Permit, Found:

1. That the continued use of Handley Rock Park will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Park safety and noise issues have been effectively addressed since 2005 by the implementation of the proposed policing plan. With the implementation of the conditions of approval, which includes continued implementation of the park policing plan and continued partnership with the Sheriff's Office, it is anticipated that noise and safety concerns will continue to be effectively addressed. Conversely, the alternative to the approval of the use permit, denial of the use permit, would result in decreased management and monitoring or park uses and would likely exacerbate safety and noise concerns. Therefore, project denial may be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

CONDITIONS OF APPROVAL

Current Planning Section

- 1. The use permit shall be valid for a period of ten (10) years. An Administrative Review shall be conducted five (5) years from the approval date, or more frequently as directed by the Sheriff's Office.
- 2. Handley Rock Association board members shall refer all community complaints of excessive noise, obnoxious behavior, fire danger, nighttime use of the park or the breaking of other park rules to the Sheriff's Office. In partnership with the Sheriff's Office, Association board members shall review and amend its park policing plan as necessary to address ongoing concerns. A copy of the revised park policing plan shall be provided to the Current Planning Section, following its approval by the Sheriff's Office.
- 3. The applicant shall provide the telephone numbers of at least three directors of the Handley Rock Association for all non-emergency, maintenance-related complaints. All complaints regarding suspicious behavior shall be directed to the Sheriff's Office. These telephone numbers will be posted at the park and provided to any neighbor that requests them. Anyone who believes that they have received an unsatisfactory response from the Handley Rock Association to a politely tendered request may forward a written complaint to the Handley Rock Park file at the Planning Department. The Planning Department shall maintain a file of such written correspondence received.

- 4. The applicant shall maintain two signs in the park with the hours of operation of the park, per Sheriff's Office specifications, so that the Sheriff's Deputies may enforce regulations against nighttime trespassers.
- 5. The applicant shall maintain two permanent signs providing a listing of the rules of the park, in conformance with the approved park policing plan and conditions of use permit approval.
- 6. The rules of the park shall provide for the following:
 - a. Day use of the park only:

<u>Saturdays/Sundays</u> <u>Weekdays</u> 9:00 a.m. - dusk 8:00 a.m. - dusk

- b. Absolutely no smoking or fires of any kind;
- c. No alcohol or illegal substances of any kind; and
- d. There shall be no amplified music or radios in the park.
- e. There shall be a maximum of eight rock climbers on Handley Rock at one time, except during Association-scheduled events.
- 7. Graffiti shall be removed or obscured in a timely manner to the satisfaction of the Community Development Director.
- 8. Brush and weeds shall be cleared annually to the satisfaction of Cal-Fire and the Woodside Fire Protection District.
- 9. The applicant shall maintain the current all-weather graveled parking area for three (3) vehicles to zoning specifications.
- 10. The Handley Rock Association shall refer all complaints regarding noise control within the neighborhood and vehicle parking to the Sheriff's Office.
- 11. The applicant shall provide evidence of insurance coverage for all damages arising out of any negligent acts of the Association in the minimum amount of \$1 million of insurance per incident plus \$1 million of umbrella coverage to the satisfaction of County Counsel.

Woodside Fire Protection District and CDF

- 12. The applicant shall comply with a program prohibiting all fires, including bonfires, barbecues, campfires and smoking materials.
- 13. The applicant shall trim all flammable vegetation to maintain a minimum clearance of 15 feet from parking stalls, or alternative technique, to the satisfaction of the Woodside Fire Protection District.

California Department of Forestry

14. The Association shall maintain "no fires" and "no smoking" posting by the Fire Marshal, to the maximum extent allowed by law.

ATTACHMENT D



Handley Rock Park Policing Plan

Original: December 2005 First Update: October 2012 Second Update: January 2023

In keeping with the size, purpose and available resources for the Park, a 1/2-acre neighborhood open space maintained by neighbor volunteers, below is a formal plan to meet Use Permit requirements by San Mateo County.

As described below, the plan represents a continuation of policing Handley Rock Park by the San Mateo County Sheriff's Dept. The plan was put together following recommendations from that Department. The goal is a coordinated approach intending to add better oversight and broader scope to address specific neighborhood complaints of after-hours use, smoking, drinking, and other illegal activity. The plan was put into use in late 2005 and has been in practice continuously since then. While specific activities and detailed policing needs vary over time, we have found that this approach has improved safety at the Park since its implementation.

- 1. Partner with San Mateo County Sheriff's Department for formal policing of Handley Rock Park for illegal or suspicious activity including trespassing, fires, drug use, graffiti, etc.
 - a. As recommended by the Sheriff's Dept, call the Sheriff's Dept, first for any illegal, nighttime or suspicious activity at the Park. HRA Board members should not try to police the Park independently or interfere with police business.
 - b. Post no trespassing signs in accordance with enforcement regulations.
 - c. Post signage at the Park including Sheriff Dept, phone number in accordance with above.
 - d. Educate Sheriff's Dept, on Park hours, issues and needs.
 - e. Maintain regular communication with the Sheriff's Dept regarding ongoing Park concerns.
- 2. Continue Neighborhood Outreach and Education
 - a. Educate neighbors regarding Park accessibility and Park use rules through clearly posted signage and other means such as newsletters, Annual Open Rock Party and personal contact.
 - b. Educate and encourage neighbors to call the Sheriff's Dept, as a first recourse when observing behavior contrary to Park rules.
 - c. Post the contact information of three Handley Rock Association Board Members for neighbors to contact as needed.
- 3. Review or modify plan
 - a. Confirm plan/approach with San Mateo County during Use Permit Renewal.
 - b. Review, update or escalate response as unexpected problems or patterns arise.

ATTACHMENT E



Handley Rock Association, Statement of Compliance, October 2023

The Handley Rock Association has been making every effort to comply with the conditions of approval set out in the document PLN1999-00644 2012 Staff Report COAs.

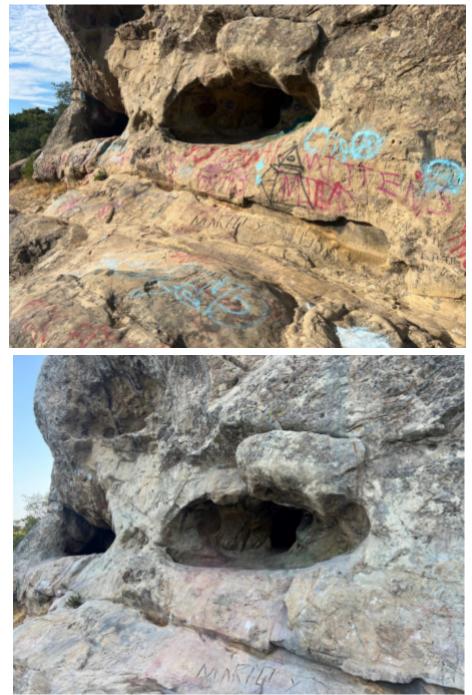
Statements per condition of approval:

- 1. n/a
- 2. The Handley Rock Association calls the Sheriff's Office to refer community complaints whenever is appropriate
- 3. The numbers of three directors are
 - a. Jeff Diamond: 858-774-0456
 - b. Daniel Cornew: 847-997-5185
 - c. Cynthia Yao: 408-718-7598
 - d. These numbers are not currently posted in the park, but provided to any neighbor that requests them
- 4. There are two signs posted with the park hours. Furthermore the two gates are equipped with locks that automatically lock at dusk.
- 5. There are two signs posted with park rules



6.

7. An extensive Graffiti removal effort was conducted this summer in partnership with the Bay Area Climbers Coalition. See below picture of before and after:



- b.
- 8. Bushes, weeds, and grass were cleared at the last annual community Handley Rock Clean up event on July 17th, 2023.
- 9. More than eight rock climbers are not permitted on the rock at one time This has not been an issue that has required enforcement.

a.

10. There is sufficient parking for more than 3 vehicles.



a.

- 11. The Handley Rock Association's practice is to refer all complaints of noise to the Sheriff's Office.
- 12. Please see the two attached documents for proof of insurance
- 13. Fires are not permitted in the Park, per the posted rules
- 14. Flammable vegetation is trimmed on a yearly basis, during the annual community cleanup.
- 15. Fires and smoking are not permitted in the park, per the posted rules

Sincerely,

Daniel Husum Cornew, On behalf of the Handley Rock Park Association

ATTACHMENT F



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CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Hello Katheryne,

Yes, the HRA Board Members have changed since 2012. Here is an updated list:

Role	Name
President	Jeff Diamond
Vice President	Steve Foy
Secretary	Cynthia Yao
Treasurer	Daniel Cornew
Board Officers	Spencer Fair, Steven Wright, Dean Horwitz, Armando Muela

Please let me know if you need any additional information!

Thank you,

-Dan

On Jun 21, 2023, at 5:34 PM, Katheryne Castro Rivera <kcastrorivera@smcgov.org> wrote:

Hi Dan,

We are finalizing the staff report for Handley Rock Park to go to hearing hopefully next month. One question we had is have there been any changes to the HRA Board Members list we received for the last renewal in 2012? If so, could you please provide us with an updated list?

Thank you,

Katheryne Castro Rivera (she/her)

ATTACHMENT G



cy Number:	MP000400701926407								
ed Insured:	The Handley Rock Association								
DBA:									
ective Date:	09/25/2023								
LIMITS O	F INSURANCE								
	gregate Limit (Other Than Products / Comp	leted Operations		\$ 2	\$ 2,000,000				
	completed Operations Aggregate Limit				5 Included				
Personal and Advertising Injury Limit				\$ ¹	\$ 1,000,000				
Each Occurrence Limit					L,000,000				
Damage To Premises Rented to You Limit (Any 1 Premises)			\$ <u>100,000</u> \$ <u>100,000</u>						
Medical Exp	ense Limit (Any 1 Person)			\$ _	5,000				
Location(s)) Of All Premises you Own, Rent or Occu	upy, Classification &	Premium Pro	vided					
			Ra	ate	Advanced	l Premium			
Code No.	Classification Description	Premium Basis / Exposure*	Premises / Operations	Products/ Comp Ops	Premises / Operations	Products/ CompOps			
Loc. No.	Street Address Str	eet Address		City	State	Zip			
001) LOTS	5 3,4,5 & 6 IN BLOCK 802, H		EMER	ALD HILLS	CA	94062			
49451 Vaca	nt Land - Other than not-for-profit	t 1	3.4200	Included	\$3	Included			
owne only	d/operated by insured - Other than	NFP							
Picn	ic Rates AS CC 48557 P/CO sub to Ge	n Agg Limit							
 Assault ar Additional Employee 	Benefit Liability Coverage	 ☐ Hired ☐ Non-(☐ Stop 							
	nhancement Coverage Subrogation Coverage		ming Pool Pop	ributory Coverage	200				
□ Lost Key (er Overcut Cov		490				
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	ement Coverage		Pesticides Cov		- J -				
	essional Liability Coverage			t E&O Coverag	e				
	Pools - Dwelling Coverage		actors Liability	-					
□ Other:									
*Premium Bas	is Types: a - Area (per 1,000 Square feet of are	ea) c - Cost (per \$1.000	Total Cost)	m - Admissions	(per 1,000 Admis	ssions)			
	p - Payroll (per \$1,000 of Payroll)	s - Sales (per \$1,000 G			ach) u - Units (p	,			
			Total	Annual Pre	mium: \$	500 MP			
Forms/End	lorsements Applicable	See Sch	edule of Form	s and Endorse	ements				

This Coverage Part consists of this Declarations Form, the Common Policy Conditions, the Commercial General Liability Conditions, the Coverage Form(s), and the Coverage Endorsement(s) indicated as applicable.