

Board Meeting Date: December 5, 2017
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: EXECUTIVE SUMMARY: Adoption of an ordinance to amend the County's Subdivision Regulations to: (1) incorporate State Subdivision Map Act changes, (2) better implement the County's General Plan and Local Coastal Program, (3) integrate new subdivision types and best practices, and (4) clarify, augment, and streamline the regulations as well as the application and review process; adoption of a Negative Declaration for this project; and, adoption of a resolution directing staff to submit the proposed revisions to the California Coastal Commission for review and certification.

RECOMMENDATION:

That the Board of Supervisors

- A) Adoption of an Ordinance amending Part Two of Division VI of the San Mateo County Ordinance Code (Subdivision Regulations) of the San Mateo County Ordinance Code (Attachment A), by making the required findings in Attachment B, previously introduced on December 5, 2017, and waive the reading of the ordinance in its entirety; and
- B) Adopt an Initial Study and a Mitigated Negative Declaration by adopting the required findings listed in Attachment B; and
- C) Adopt a Resolution directing staff to submit the amended Subdivision Regulations (Part Two of Division VI of the County Ordinance Code) to the California Coastal Commission for review and certification (Attachment D).

BACKGROUND:

The proposed project consists of comprehensive amendments to the County's Subdivision Regulations ("Regulations"), and associated environmental review. The proposed amendments incorporate the current requirements of the State Subdivision Map Act and recent case law, and advance implementation of the County's General Plan and zoning by modifying certain process and content requirements for subdivision applications, and integrating current application review practices into the Regulations.

Planning Commission Action: The Planning Commission recommended that the Board of Supervisors adopt the proposed Ordinance, Initial Study, and Negative Declaration, by making the findings in Attachment B.

DISCUSSION:

The County's Subdivision Regulations were first adopted in 1945 and have been amended several times over the years, most recently in 1992. The County's authority to regulate subdivisions derives from its police powers and the Subdivision Map Act (Cal. Government Code Sections 66410 et seq.).

Early in 2016, staff, in collaboration with County Counsel, initiated a comprehensive update to the Regulations with the goal of aligning the regulations with current state law and advancing implementation of the General Plan (GP), including the County's Local Coastal Program (LCP). The project has been guided by a collaborative stakeholder outreach effort that provided valuable input on how to improve both the content and utility of the regulations, among other ways by creating a process for determining the development potential of newly proposed parcels. The project will amend the County Ordinance Code and require an amendment to the LCP, but it will not alter any adopted land use plans, zoning, or development-related policies.

Throughout the course of the update, staff has consulted with other County Departments, including County Counsel, Department of Public Works, Fire Protection Services, and Environmental Health Division, to ensure thorough understanding of all issues and their proper resolution in the updated Regulations.

Overview of Proposed Amendments

The recommended amendments are based upon changes to the Map Act and other changes proposed by County staff that can be categorized as content, process, and minor textual changes. Content changes are new or revised definitions, policies, standards, or requirements for land division and related activities. Process changes address the procedures to be followed by the County, applicants, and others involved in the subdivision review process. Examples of minor textual changes are replacement of "Planning Director" with "Community Development Director" and spelling of all numbers followed by numerals in parentheses throughout the document.

Updates from the State Map Act

The Map Act is amended regularly by the State legislature. Amendments range from a change in a word, phrase, or date to the addition of new provisions. Staff cataloged the amendments made since 1992 and identified over 100; of those, about 40 were deemed substantive (meaning a change in submittal requirements, review procedures or timeframes, or scope of County authority **or** responsibility) and have been incorporated into the draft Regulations (shown as *italics text highlighted in gray*). These recommended amendments are also listed sequentially by Regulations chapter, article, and section heading numbers (see Table 1 in the staff report). Some of the textual

changes have been inserted verbatim from the Map Act, while others have been paraphrased to mesh with the existing text of the Regulations.

The more significant changes include:

- Modification of existing provisions for preparing and reviewing subdivision maps.
- Statements required on final maps.
- Extending expiration dates of approved tentative maps.
- Procedures for performing lot mergers.
- New provisions for environmental subdivisions.
- Noticing requirements for converting mobile home parks to occupant ownership.
- Procedures for transmitting subdivision applications to other agencies for review.

Staff Recommended Updates

Staff proposed amendments (shown as ***bold italics text***) are intended to better implement current policies related to land development, resource conservation, and hazard avoidance, primarily by requiring a new “development footprint analysis”. Other proposed amendments provide clarification to existing Certificate of Compliance provisions, add and/or revise defined terms, align application requirements with current practices, clarify provisions regarding remainder parcels, and broaden exception provisions.

The new Development Footprint Analysis requires a comprehensive evaluation of site constraints and the potential impacts of developing the resulting lots. Applicants would, in consultation with County staff, conduct and submit the analysis prior to formal submittal of a tentative map. Therefore, the analysis itself is not a type of development approval, but would be available for informational purposes during Planning Commission and public review of a tentative map application.

REVIEWING AGENCIES:

County Counsel

County Counsel has reviewed the proposed ordinance as to form.

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by facilitating growth near transit and promoting affordable, livable, and connected communities. Approval of this project contributes to the Shared Vision 2025 of an Environmentally Conscious Community by preserving our natural resources through stewardship when land is subdivided.

FISCAL IMPACT:

None.