



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: October 15, 2012
Board Meeting Date: October 23, 2012
Special Notice / Hearing: 300 Feet
Vote Required: Majority

To: Honorable Board of Supervisors

From: Jim Eggemeyer, Community Development Director

Subject: EXECUTIVE SUMMARY: Public hearing to consider an appeal of the Planning Commission's denial of a minor subdivision application regarding a parcel located at 290 Woodland Vista in the unincorporated La Honda area of San Mateo County.

RECOMMENDATION:

Public hearing to consider an appeal of the Planning Commission's denial of a minor subdivision application for a parcel located at 290 Woodland Vista in the unincorporated La Honda area of San Mateo County (Applicant/Appellant: Michael McCracken / Owner: Mark Griffin).

BACKGROUND:

The applicant wishes to revisit a density analysis performed by the Planning and Building Department in 1977 of a 24-acre parcel, which resulted in two density credits and, subsequently, a two-lot subdivision of this 24-acre parcel into two "child"¹ parcels (Parcel 1: 5.98 acres and Parcel 2: 18.95 acres) recorded in 1981. Specifically, the applicant requests that he be allowed to undertake a new density analysis of the 18.95-acre child parcel to allow a further two-lot subdivision of the parcel.

The subject 18.95-acre parcel is zoned Resource Management (RM), which requires a density analysis to determine the maximum density of development of a parcel (for purposes of dwelling units and/or subdivision). The applicant's surveyor asserts that newer, more accurate survey methods and data than were available when the original density analysis of the 24-acre parcel was analyzed would result in two density credits being available for the subject 18.95-acre child parcel. If allowed a new density analysis, the applicant would use the resulting density credits to apply for a new two-lot subdivision.

¹ A "child" parcel refers to a parcel that was created from a larger parcel.

DISCUSSION:

Once a density analysis is completed by the Planning Department, an applicant may challenge the data on which the density calculations are based, or the resulting calculations. Here, however, the applicant has offered no evidence that the original 1977 density analysis of the 24-acre parent parcel was erroneous. In fact, the applicant's argument is only that the 18.95-acre parcel if analyzed at this time would itself yield two density credits. To accept the applicant's position would therefore allow him to double count land for purposes of establishing density credits.

Further, under the Planning and Building Department's Policy Regarding Incorrect Density Analyses, dated July 8, 1991, an existing density analysis subsequently determined to be incorrect will continue to be applied if "the owner or other parties have made substantial reliance (i.e., buying or selling the property or incurring significant costs in planning a development based on those density credits) on those results." In order to be consistent with the Department's interpretation and implementation of this Policy, as well as to implement applicable General Plan Policies, Zoning Regulations, and Local Coastal Program Policies (for Resource Management-Coastal Zone, RM-CZ, zoned parcels) that limit maximum development densities for rural zoned parcels, the Community Development Director denied the applicant's request received on October 10, 2012 for a minor subdivision of the 18.95-acre parcel by determining that further density analyses are not allowed on a parcel when that parcel was derived from the results of a previously performed density analysis.

In an appeal of the Community Development Director's decision, the Planning Commission held a public hearing on May 23, 2012, where it voted (3-0) to deny the subdivision application by upholding the Community Development Director's determination that a density analysis cannot be challenged if its resulting credits have already been used toward development.

On June 7, 2012, the applicant filed an appeal of the Planning Commission's decision. Staff has reviewed and addressed the appeal issues in the staff report (see Section A) and finds no new evidence or authorities upon which to reverse the Planning Commission's decision and staff's recommendation is therefore that the Board of Supervisors deny the applicant's appeal.

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

Denial of the applicant's appeal of the minor subdivision application in this case contributes to the 2025 Shared Vision outcome of a Livable Community by upholding the Planning Department's Policies and historical interpretation and implementation of density analysis challenges with regard to zoning regulations, General Plan Policies and Local Coastal Program Policies regulating appropriate maximum development densities for rural zoned (Resource Management and Resource Management-Coastal Zone) parcels.

FISCAL IMPACT:

No fiscal impact.