

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **MARK GRIFFIN**

Attachment: **A**

File Numbers: **PLN 2011-00379**

PROPOSED SUBDIVISION PLAT

REFLECTING A PROPOSED SUBDIVISION OF THE LANDS OF GRIFFIN SHOWN AS PARCEL "2" IN VOL. 52 OF PARCEL MAPS AT PAGE 1 AND COMMONLY KNOWN AS ASSESSOR'S PARCEL NO. 083-310-120, SAN MATEO COUNTY RECORDS, STATE OF CALIF.

--FOR--

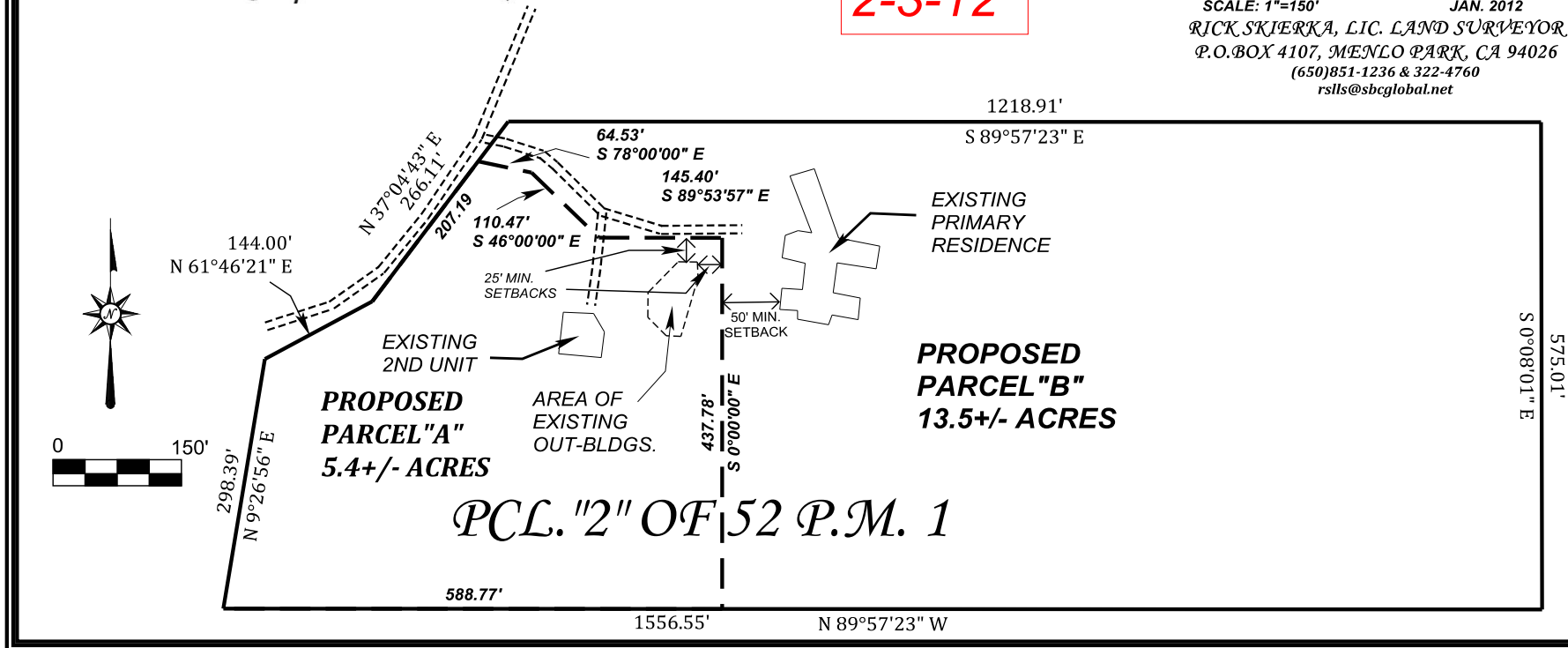
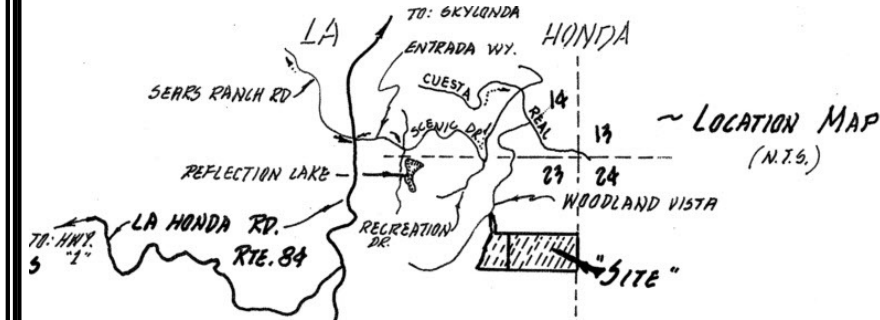
MR. MARK GRIFFIN
P.O. BOX 728
LA HONDA, CA. 94020
(650) 747-0109

UNINC. LA HONDA AREA CALIF.

SCALE: 1"=150' JAN. 2012
RICK SKIERKA, L.C. LAND SURVEYOR
P.O. BOX 4107, MENLO PARK, CA 94026
(650) 851-1236 & 322-4760
rslls@sbcglobal.net



DRAFT
2-3-12



Traverse PC

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **MARK GRIFFIN**

File Numbers: **PLN 2011-00379**

Attachment: **B**

DENSITY MATRIX EVALUATIONS FOR THE RESOURCE MANAGEMENT DISTRICT

| Land Characteristics | Maximum Density of Development | | | | Acres | Accumulated Dwelling Units |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------|---------------------|--------------------|-------------|----------------------------|
| | 1 Unit per 40 acres | 1 Unit per 20 acres | 1 Unit per 10 acres | 1 Unit per 5 acres | | |
| A.P. # 83-310-090 | | | | | 24.9 | 2 |
| Land located within primary channel of 100-Year Flood Plain | N/A | X* | | | | |
| Land relatively inaccessible (greater than 1 mile from all-weather thru roads or from level topography well served by public roads) | N/A | X | | | | |
| Land under Agricultural Preserve contract | N/A | X | | | | |
| Land within Special Agricultural District on coastal terrace | N/A | X | | | | |
| Land in areas defined by U.S.G.S. as having severe slope instability | N/A | X | | | *5.00± | .13 |
| Land within rift zone of active fault | N/A | X | | | | |
| Land with slope equal to or greater than 50% | (X) | | | | 2.1 | .43 |
| Land with slope equal to or greater than 30% but less than 50% | | (X) | | | 1.2 | .03 |
| Land with slope equal to or greater than 15% but less than 30% | | | (X) | | 9.6 | .48 |
| Land within adopted State scenic highways corridor | N/A | | X | | 13.0 | 1.30 |
| Land containing Class I and II soils or Class III soils rated good for lechokes or Brussels sprouts within Climatic Restraint Line | N/A | | X | | | |
| Land with slope equal to or greater than 0% but less than 15% | | | | (X) | 1.1 | .22 |
| | | | | TOTAL | 24.9 | *2.03 / 2 |

N.A. - Not applicable
C.E. - Criterion established

Worksheet establishes the maximum density of development. However, a number of conditions must be met, including but not limited to the following:

1. Legal access to site must be demonstrated.
2. The structure must not be located over an active fault trace.
3. There must be either a public water supply available or on-site water.
4. Suitability for septic tank installation must be demonstrated.
5. Slope stability must be demonstrated for the location where structures are proposed.

*Accumulates density at 1 dwelling unit per 40 acres to be allocated to buildable areas elsewhere on site. - *DD (any further requests, "redo")*

*Slope measurements are sloppy.
*Landslide susceptibility does apply.
This is a "slope only" study.
Rough calcs. = 1.93 d.c.s. total
2 units used by SMN 79-27.*

#328 - Slope Only
#83-310-090

Board of Supervisors Meeting

PLN 2011-00379

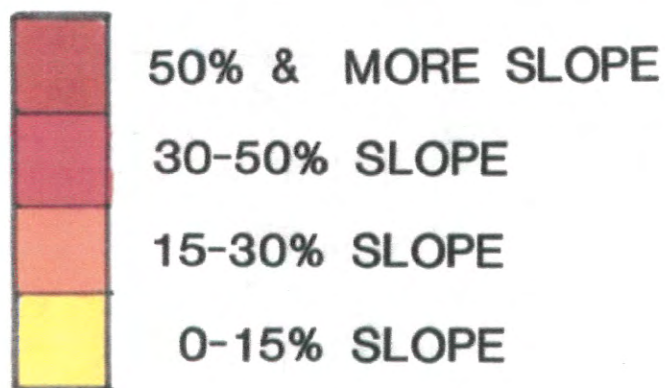
Case

C

Attachment



AP# 83-310-090



#83-310-090

Slope Only

#328

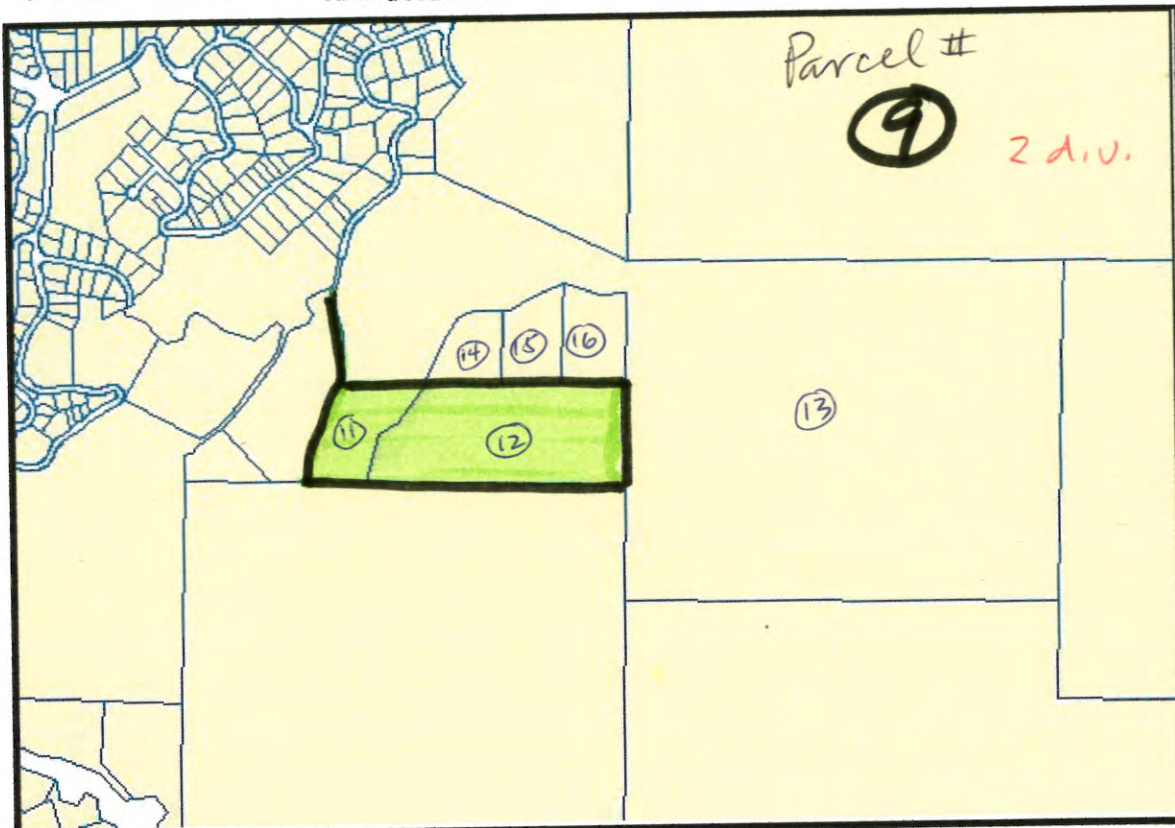
Dan #328(77)

**SELECTED
PROPERTY**

Situ 00 Woodland Vista, La Honda

Owner: Herron Gordon Scott Tr, Po Box 353, La Honda, CA, 94020-0353

APN: 000200120

Density file:
#328(77)

Date Created: Monday, July 10, 2006

Print

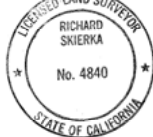
- SMN 79-27 (2 parcels)
- (Subdivided parcel from Den#206 had density and was allocated 2 density credits + Subdivided into (11) and (12).)

These two are now locked in at (1)d.v. each - enter into P&P.

- SF 11.6.06

SURVEYOR'S CERTIFICATE

This map was prepared by me or under my direction and was compiled from record data in conformance with the requirements of the Subdivision Map Act, and local ordinance at the request of, Judith Bell on Oct. 15, 1980. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.



Richard Skierka
Richard Skierka L.S. 4840

COUNTY SURVEYOR'S CERTIFICATE

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Dated: October 7, 1981 S.H. Cantwell, Jr., Director of Public Works
S.H. Cantwell Jr.

RECORDER'S CERTIFICATE

Filed this 3rd day of NOV., 1981 at 2:11 P.M. in Book 52 of Parcel Maps at page 1 at the request of Richard Skierka File No. 3257 At Fee \$6.00

Marvin Church, County Recorder
By: *M. Church*
Deputy

OWNER'S CERTIFICATE

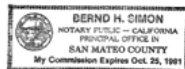
We hereby certify that we are the owners of, or have some right, title or interest in and to the real property included within the subdivision shown upon this map, and we are the only persons whose consent is necessary to pass clear title to said property, and we hereby consent to the making and recording of said map and subdivision as shown within the blue border line.

Judith A. Bell *Judith A. Bell*
Jerry D. Hillis *Jerry D. Hillis*

ACKNOWLEDGEMENT

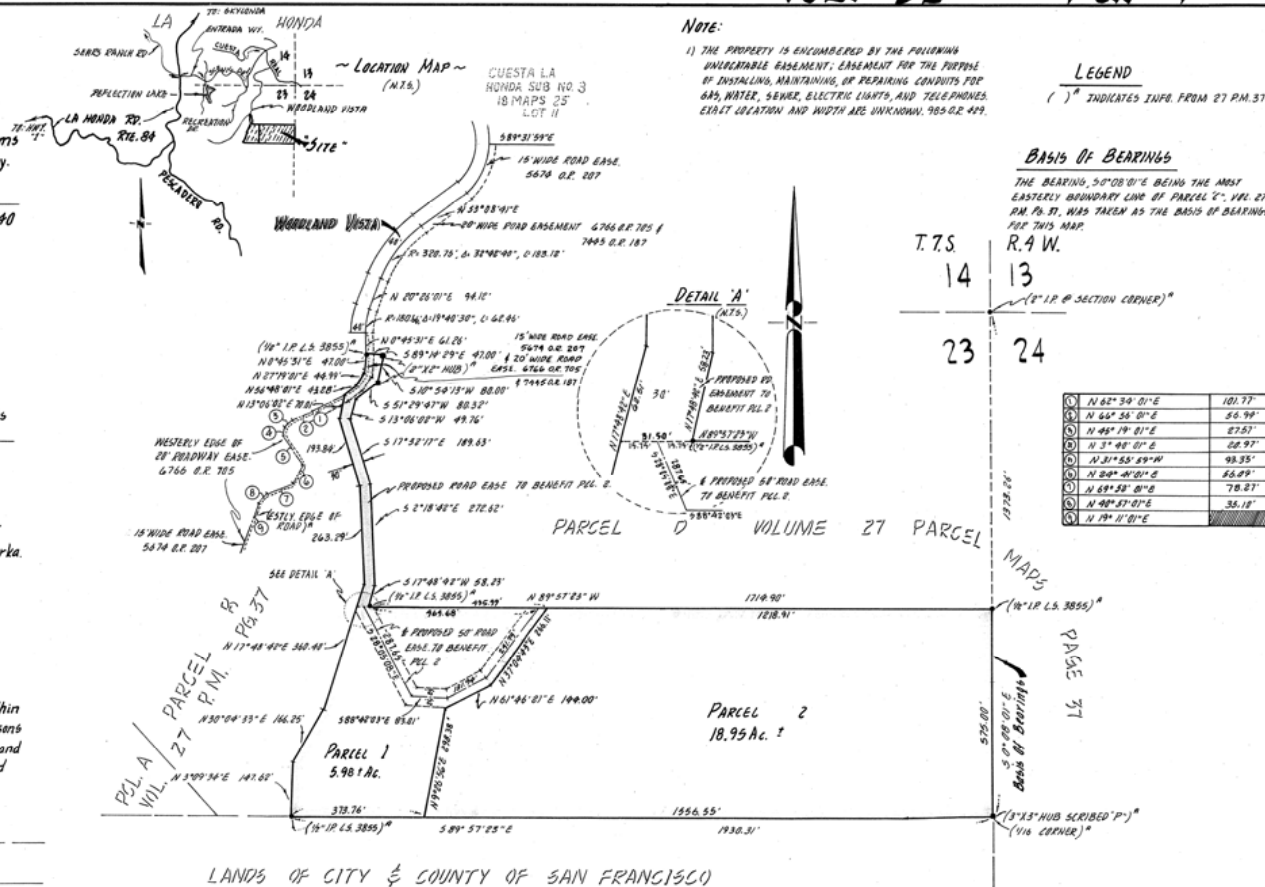
State of California }
County of SAN MATEO }
On this 22 day of DEC., 1980, before me BERND H. SIMON, a Notary Public in and for said County and State personally appeared JERRY D. HILLIS, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Bernd H. Simon

**ACKNOWLEDGEMENT**

State of California }
County of SAN MATEO }
On this 30 day of DEC., 1980, before me BERND H. SIMON, a Notary Public in and for said County and State personally appeared JUDITH A. BELL, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Bernd H. Simon

**San Mateo County Board of Supervisors Meeting**

Owner/Applicant: **MARK GRIFFIN**

File Numbers: **PLN 2011-00379**

Attachment: **D**

San Mateo County Planning
& Building Department
Attn: Mr. Steve Monowitz
455 County Center
Redwood City, CA 94063

October 27, 2010

Re: APN 083-310-120 Density
Lands of Griffin

Dear Mr. Monowitz,:

I recently calculated the density on the subject property which resulted in 1.56 units. Because I've used a computerized method, I felt it necessary to go through the steps which I employed to arrive at said results. For convenience, the attachments noted are reduced copies of the original 18"x24" prepared exhibits, but will be provided, if requested. A matrix reflecting the 1.56 units is provided at the end of this discussion using the following methodology:

After a preliminary calculation that resulted in 1.46 DU's (see attached Exhibit "1") on said lands using a widely recognized software program by land surveyors called Traverse PC, I concluded that the actual configuration of the subject lands was graphically superimposed on to San Mateo County's topographic base map in error resulting in such being about 1.5 acres short of the actual size of 18.95+/- acres shown as Parcel "2" in Volume 52 of Parcel Maps at Page 1 (see attached Exhibit "2") which created the property. To prove my findings, I used the County's base map (see attached Exhibit "3") and enlarged such to a scale of 1"=80'. Upon doing so (see attached Exhibit "4"), one can see the discrepancy. To be sure there was some harmony between these maps, I first ran out a mathematical closure of the subject lands shown on said Parcel Map and superimposed such on to the County's base map using the kitty-corner points of 1 and 5 derived from said closure. This "best fit" harmonization proved out to be within 4 feet of agreement over a length of 1650 feet. Holding the County's configuration (even though with error), I held the positions of points 1, 5, 22 and 66. With such, one can see on the attached Exhibit "5" that there was more land to be added to the density calculations. Because of holding the County's configuration, this additional area is still over ½ acre short of its correct acreage shown on said Parcel "2" (52 PM 1- Exhibit "2").

In summary, I recalculated the density which shows on Exhibit "6". As stated, my results show that the subject lands has at least 1.56 density units and even more given the ½ acre shortage. Realizing that this methodology is not the easiest to understand, I would be receptive to discussing this with staff, if necessary. However, you may call me if more convenient.

Cordially,



Rick Skierka
Lic. Land Surveyor
P.O.Box 4107
Menlo Park, CA 94027
650-322-4760
Griffin-SMCo10-27-10DensityLt1.doc/mydocs

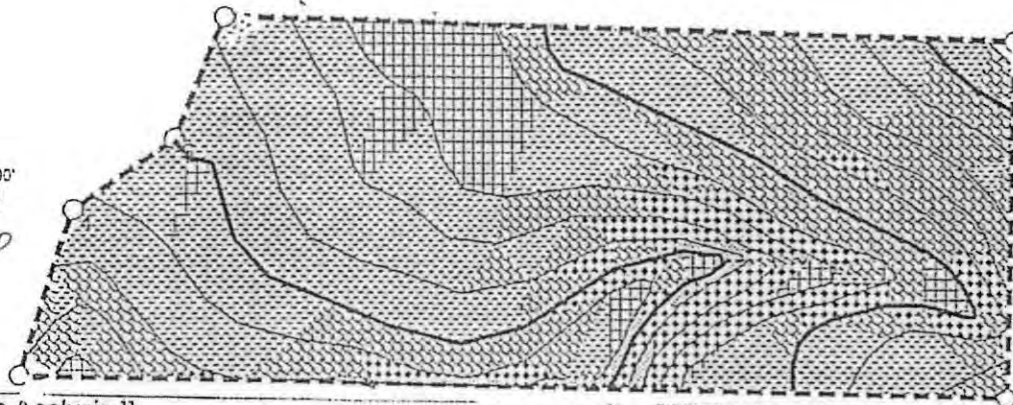
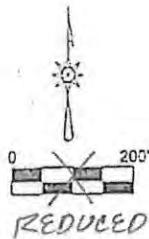
Board of Supervisors Meeting

PLN 2011-00379

Case

E

Attachment



[[Slope Analysis]]

| Contour Percent | Slope Area | Plan Area |
|-----------------|-------------------------------|-------------------------------|
| 0 - 15 | 73286.72 SqFt 1.682 Acres | 72855.78 SqFt 1.673 Acres |
| 15 - 30 | 357040.13 SqFt 8.197 Acres | 348397.50 SqFt 7.998 Acres |
| 30 - 50 | 253372.36 SqFt 5.817 Acres | 236850.93 SqFt 5.437 Acres |
| 50 - 100 | 111246.83 SqFt 2.554 Acres | 92793.40 SqFt 2.130 Acres |
| > 100 | 14096.98 SqFt 0.324 Acres | 7858.38 SqFt 0.180 Acres |

LEGEND

| | Rebar |
|--|------------------|
| | 0 - 15 Percent |
| | 15 - 30 Percent |
| | 30 - 50 Percent |
| | 50 - 100 Percent |
| | > 100 Percent |

2. Lands Outside Coastal Zone
(RM, TPZ Districts)

- a. 100 Year Flood Plain
- b. Remote Lands (1 mile)
- c. Agric. Preserve (Except TPZ)
- d. Slope Instability/Landslide Susceptibility
- e. Rift Zones or Active Faults
- f. Slope 50% or Greater
- g. Slope 30% But Less Than 50%
- h. Slope 15% But Less Than 30%
- i. Skyline State Scenic Highway Corridor
- j. Prime Soils (Except TPZ)
- k. Other

| RATE | AREA | DENSITY |
|------|-------|---------|
| 1/40 | | |
| 1/40 | | |
| 1/40 | | |
| 1/40 | | |
| 1/40 | | |
| 1/40 | 2,310 | .0578 |
| 1/20 | 5,437 | .2719 |
| 1/10 | 7,998 | .7998 |
| 1/10 | | |
| 1/10 | | |
| 1/5 | 1,673 | .3346 |

SUBTOTALS, OUTSIDE COASTAL ZONE

17.41 1.4641

Maximum Allowable Density:

COASTAL ZONE

—

TOTAL

1.464

TOTAL ACRES

17.41

(VS) 18.95 (52 PM1)

LANDS OF GRIFFIN

Property Description (APNs)

083-310-120

Zoning District:

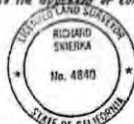
RM

Density Analysis File No.

8/12/10
RF

EXHIBIT "1"

This map was prepared by me or under my direction and was compiled from record data in conformance with the requirements of the Subdivision Map Act, and local ordinance at the request of, Judith Bell on Oct. 15, 1980. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.



Richard Skierka
Richard Skierka 654840

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Dated: October 7, 1921 S. H. Cantwell, Jr., Director of Public Works

Filed this 3rd day of NOV., 1981 at 2:11 PM in Book 52 of
Parcel Maps at page 1 at the request of Richard Skierka
File No. 3282 AT Fee \$6.00

By: B. M. [Signature]
Deputy

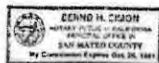
We hereby certify that we are the owners of, or have some right, title or interest in and to the real property included within the subdivision shown upon this map, and we are the only persons whose consent is necessary to pass clear title to said property, and we hereby consent to the making and recording of said map and subdivision as shown within the blue border-line.

Judith A. Bell _____
Jerry D. Hillis _____

State of California) ss
County of San Mateo)

On this 22nd day of DEC, 1980, before me BERNARD H. SIMON, a
Notary Public in and for said County and State personally appeared
MERRY D. HUGHS known to
me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same.

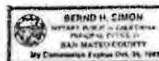
Bernard H. Simon



State of California, ss.
County of San Mateo.

On this 30th day of Dec., 1980, before me, Bernard H. Sussel, a
Notary Public in and for said County and State personally appeared
JUDITH A. BELL, known to
me to be the person whose name is subscribed to the within
instrument and acknowledged to me that she executed the same.

Beard H. Simon



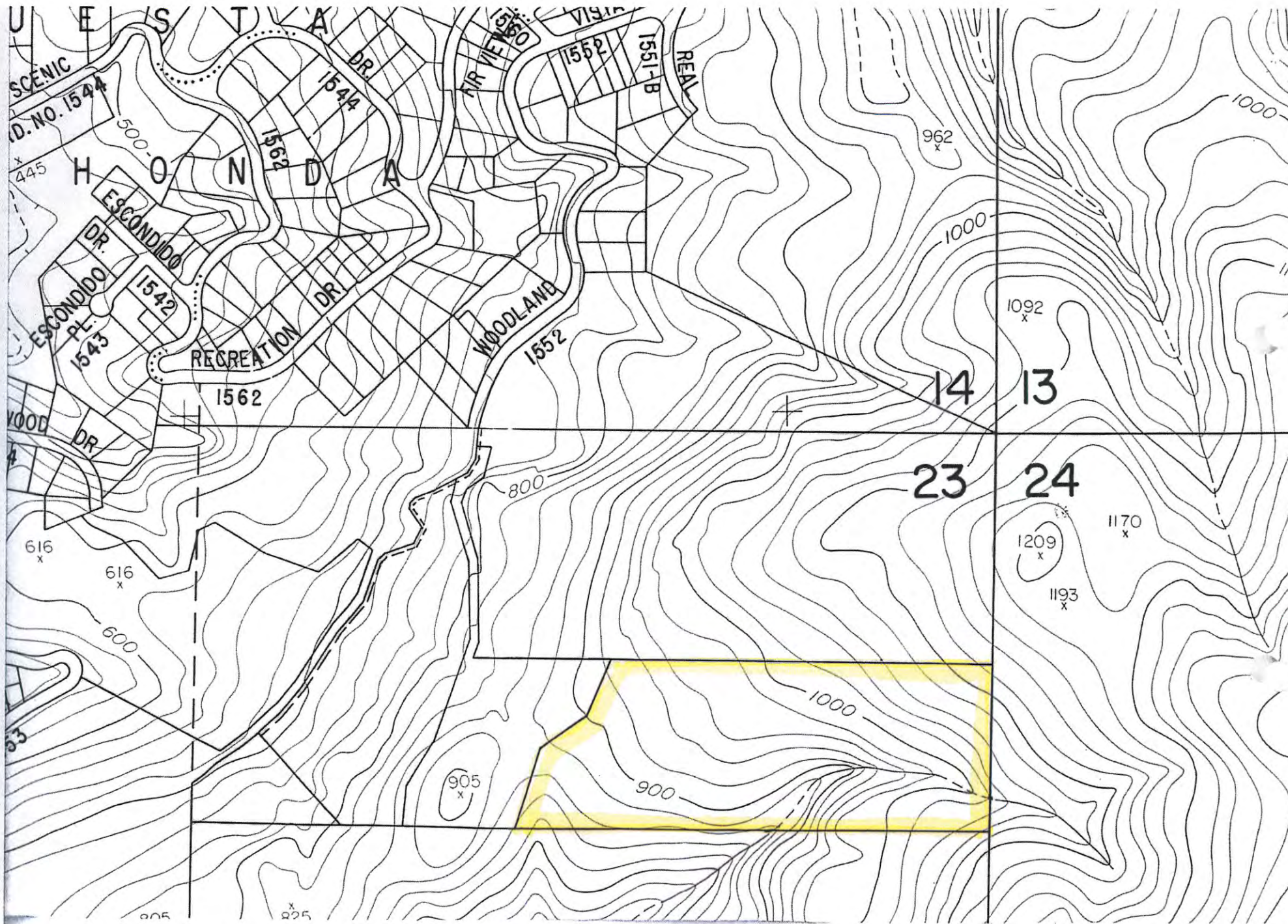
OF THE LANDS OF BELL ET AL. AND BEING A RESUBDIVISION
OF PARCEL C, VOLUME 27, PARCEL MAPS PAGE 37 AND
BEING DESCRIBED IN 1943 O.R. 187, RECORDS OF S.M.C., CA.

San Mateo County California
Scale: 1" = 100' MAR, 1991
SKIERKA & FISCHER LAND SURVEYS
P.O. BOX 4182, WOODSIDE, CALIFORNIA - 94062
(415) 851-1238

(about one of one)

Job No. * 79-B (4) First American Title Insurance Company

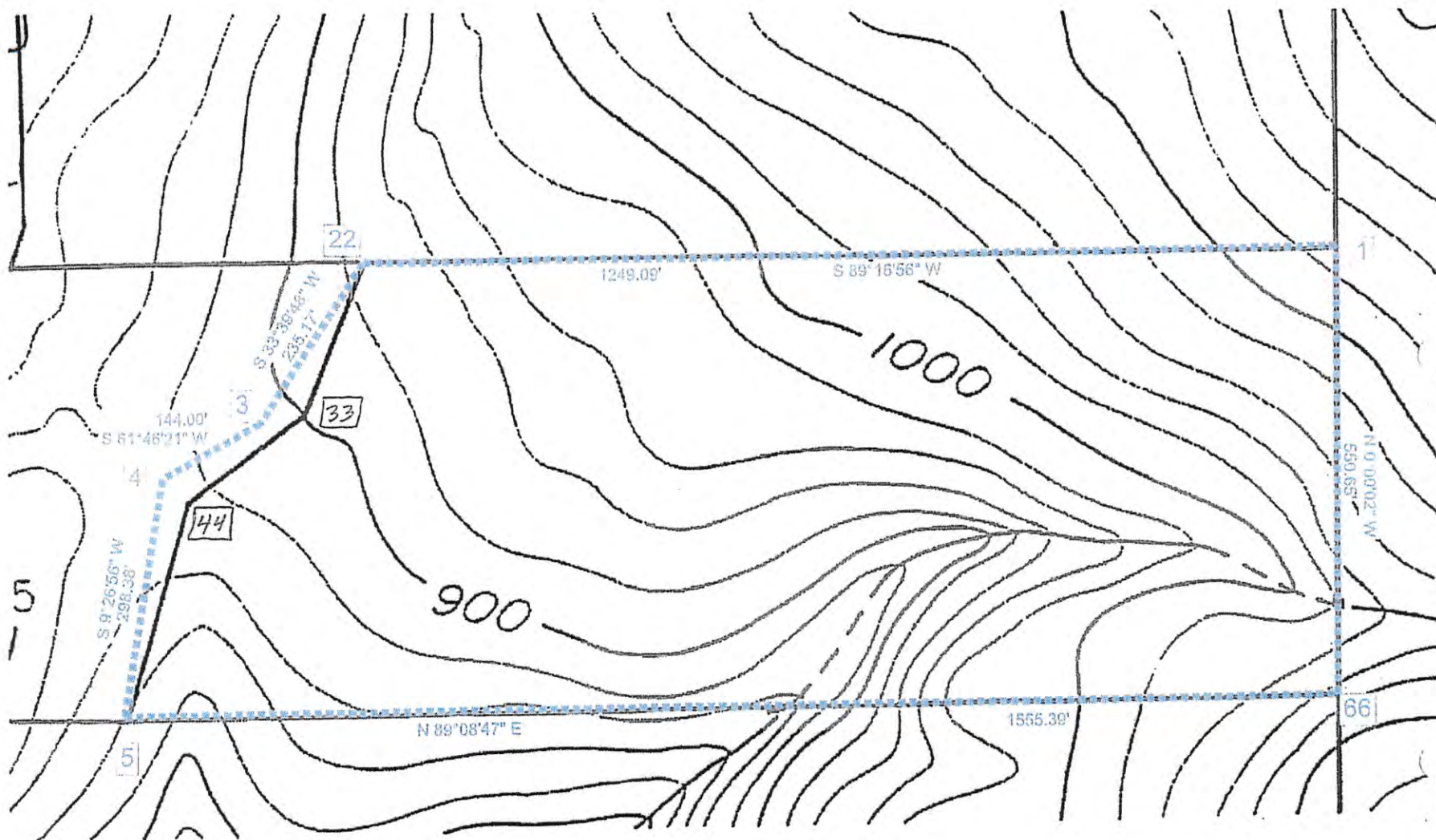
EXHIBIT "2"



SCALE 1"=400

EXHIBIT "3"

SMCO 196
(PTN)



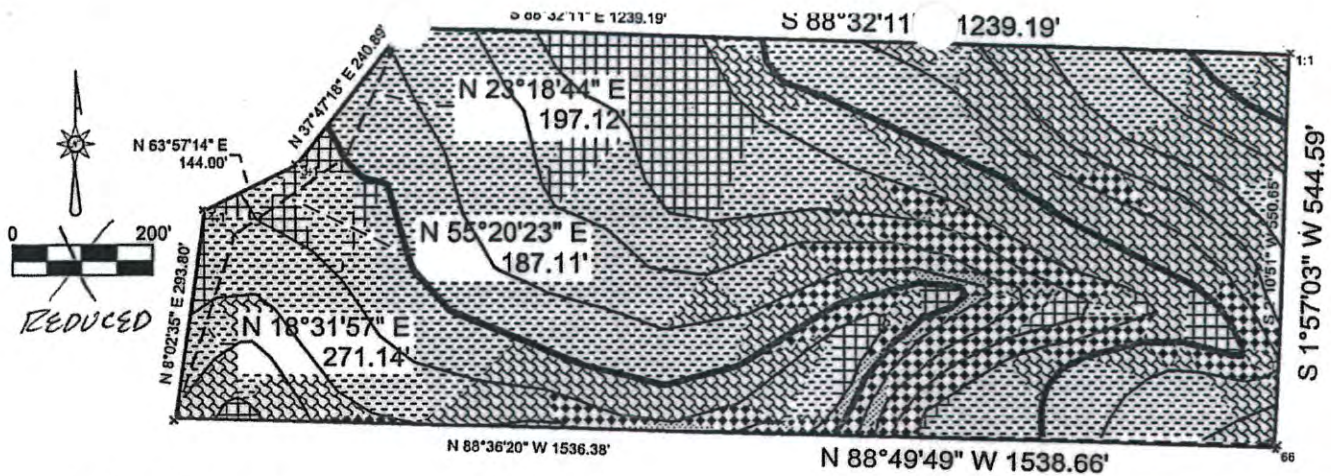
- INDICATES BOUNDARY LINE POSITIONING PER SMC's AERIAL CONTOUR MAPPING (17.95 AC.)
- - - - - INDICATES BEST FIT P.M. BNDRY ONTO SMC's AERIAL MAP-EXH'D' (18.32 AC.)

EXHIBIT "5"



8/25/10





[[Slope Analysis]]

Contour

| Percent | Slope Area | Plan Area |
|----------|-------------------------------|-------------------------------|
| 0 - 15 | 86273.05 SqFt 1.981 Acres | 85735.00 SqFt 1.968 Acres |
| 15 - 30 | 372783.45 SqFt 8.558 Acres | 363800.18 SqFt 8.352 Acres |
| 30 - 50 | 252696.68 SqFt 5.801 Acres | 236225.05 SqFt 5.423 Acres |
| 50 - 100 | 111245.21 SqFt 2.554 Acres | 92792.26 SqFt 2.130 Acres |
| > 100 | 14101.03 SqFt 0.324 Acres | 7861.16 SqFt 0.180 Acres |

LEGEND

- × ANGLE PT/CORNER
- × Spot Elevation
- + Tick
- Rebar

| | |
|--|------------------|
| | 0 - 15 Percent |
| | 15 - 30 Percent |
| | 30 - 50 Percent |
| | 50 - 100 Percent |

2. Lands Outside Coastal Zone (RM, TPZ Districts)

- a. 100 Year Flood Plain
- b. Remote Lands (1 mile)
- c. Agric. Preserve (Except TPZ)
- d. Slope Instability/Landslide Susceptibility
- e. Rift Zones or Active Faults
- f. Slope 50% or Greater
- g. Slope 30% But Less Than 50%
- h. Slope 15% But Less Than 30%
- i. Skyline State Scenic Highway Corridor
- j. Prime Soils (Except TPZ)
- k. Other

| RATE | AREA | DENSITY |
|------|-------|---------|
| 1/40 | | |
| 1/40 | | |
| 1/40 | | |
| 1/40 | | |
| 1/40 | | |
| 1/40 | 2.310 | .0578 |
| 1/20 | 5.423 | .2712 |
| 1/10 | 8.352 | .8352 |
| 1/10 | | |
| 1/10 | | |
| 1/5 | 1.968 | .3936 |

REVISED: 10/7/10

SUBTOTALS, OUTSIDE COASTAL ZONE

18.05 1.558



Maximum Allowable Density:

COASTAL ZONE

—

TOTAL

1.558

ZONING DIST. = RM

TOTAL ACRES

18.05

Property Description (APNs) 083-310-120

EXHIBIT "6"

McCracken, Byers & Richardson LLP

870 MITTEN ROAD
BURLINGAME, CALIFORNIA 94010-1304
TEL: (650) 697-4890
FAX: (650) 697-4895

Michael D. McCracken
David J. Byers
Patrick M. K. Richardson

PARALEGAL
Jill Briggs

November 23, 2010

Jim Eggemeyer, Planning Director
San Mateo County Planning Department
455 County Center, 2/F
Redwood City, Ca 94063-1663

PROJECT FILE

Re: Lands of Griffin: Density Recalculation

Dear Jim:

This office represents Mark Griffin, the owner of the subject property. This follows up our phone discussion last week, which, in turn, was a follow up to our recent application for density recalculation which we filed, and for which we paid the application fee, in late October, early November, 2011. You informed me that you were too busy to meet with me face to face, and you therefore invited me to submit my comments and thoughts in writing. Please consider this our writing.

Our application is a routine filing, pursuant to long established County procedures. We paid the required fees, properly filled out the application, and we therefore expect a timely processing. In apparent response to phone messages I had left with Steve Monowitz regarding processing status, on November 16, 2010, Olivia Boo emailed me the following terse note: "Please my email, find attached Planning Department notes regarding your client's inquiry regarding density recalculation." This was the extent of the County's response to my calls; no determination of completeness or incompleteness, no acknowledgment of receipt of our application; nothing...other than Ms. Boo's email.

The "notes" Ms. Boo referenced, included the following:

"12/1/05-DJH - On 9/18/05 property owner Griffin asked if we could do a new density analysis based on new geotech/landslide info on this parcel. However, this parcel was created from a 2-lot subdivision, which

MARIN OFFICE
843 DEL GANADO RD., SAN RAFAEL, CA 94903
TEL.: (415) 492-0535; FAX.: (415) 492-0364

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F

Attachment

November 17, 2009

Page 2

was allowable by a previous density analysis that yielded only two density credits, as calculated at that time. Those results were not challenged. *We cannot allow recalculation of previously completed results* when the resulting subdivision has already been recorded. Challenges to such results (in this case site specific/updated landslide data) that may mathematically , but retroactively, alter such results & allow an additional parcel, *run counter to the intent of zoning regulations & the public expectations of such zoning to control development* - at the time such applications are reviewed. Such challenges MUST always occur prior to the tentative approval of such a subdivision.” (Italics added.)

This quote passage triggers in my mind several questions and comments:

1. Where exactly is the legal authority for Mr. Holbrook’s pronouncements and conclusions? Is there a governing statute or ordinance dictating such conclusions? I can find none.
2. If there is no governing statute or ordinance, is Mr. Holbrook’s determination based on policy? If so, where in the County ordinance code is such a policy stated?
3. If this was the policy relied upon by Mr. Holbrook, when was it formulated? By whom? Is it still applicable today? Has it been applied in other situations? If so, which ones and when? Is it the operative policy today?
4. In taking this stance, was Mr. Holbrook aware that this same exact issue had been visited years earlier (in 1995) by your former staff planners Diane Regonini and Debbie Serpa, who concluded at that time that it was “ok (for Mr. Griffin) to apply for his parcel only as a challenge...”, explaining that the “...slopes (and) maps were not accurate as today”?
5. Is the planning staff today aware of a September 25, 2005 email from Sandy Sanderson to Louis Richardson (Mr. Griffin’s representative at that time) stating, “The -120 parcel that you are requesting information on is actually a new parcel with a size of around 18.5 acres and would require a new density analysis to determine density credits for that parcel....” and “...we have newer, better maps now to do the analysis.”


In light of the above, as well as the data we submitted from our surveyor, Rick Skierka, with our application, my question to you now is, is the County going to process our density recalculation application? If yes, could you please provide me a processing time-line?

MARIN OFFICE

843 DEL GANADO RD., SAN RAFAEL, CA 94903
TEL.: (415) 492-0535; FAX.: (415) 492-0364

November 17, 2009
Page 3

Thanks, Jim, for the opportunity to present our case. If you require any supporting documentation, or have any questions, please contact me at once, and I will respond immediately.

Very truly yours,

Michael McCracken

cc: Mike Murphy, County Counsel
John Nibellin, Deputy County Counsel
Mark Griffin
Rick Skierka

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

August 17, 2011

Michael McCracken
McCracken, Byers & Richardson LLP
870 Mitten Road
Burlingame, CA 94010-1304

PROJECT FILE

Dear Mr. McCracken:

SUBJECT: Request for Recalculated Density Analysis on
APN 083-310-120

I apologize for the late response to your letter dated November 23, 2010 regarding your challenge to previous density analysis results and the County's position of a recalculation of that density analysis (DA) for APN 083-310-120 (owned by Mark Griffin). We are aware that the request included Mr. Griffin's check for the fee to recalculate the DA on the cited parcel.

Our decision has not changed from that put forward pursuant to the note we added to the owner's same request on September 18, 2005. As a matter of clarification, Mr. Holbrook's December 12, 2005 response to Mr. Griffin on this issue was based on a decision by the Community Development Director at that time, Lisa Grote, who had also discussed Mr. Griffin's request with County Counsel as well. This decision took into consideration the cited file notes by Planning staff in 1995, as well as the notation from Mr. Sanders in September 2005. The rationale for Ms. Grote's decision, as communicated by Mr. Holbrook, is discussed below.

The record showed that this parcel was created from a 2-lot subdivision (county File No. SUB-MIN 79-27, recorded November 3, 1981), which was allowable by a previous density analysis (County File No. DEN #328-77) that yielded only two density credits, as calculated. The original analysis results were not challenged at the time.

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Case

G

Attachment

Michael McCracken
McCracken, Byers & Richardson LLP
August 17, 2011
Page 2

We've reviewed the attached letter from Rick Skierka (Surveyor) concluding that newer survey data affecting the parcel's size may generate two density credits on the subject parcel and understand this represents an example of potential recalculation that staff referred to as previously cited. Such data as applied to Mr. Griffin's parcel would appear to mathematically allow for a new total of three density credits, instead of the two calculated for the original parent property that resulted in the 1979 two-lot subdivision).

This Department's position is that the currently requested retroactive review – since the resultant subdivision was already recorded based on the 1977 analysis that was not challenged in a timely manner pursuant to the cited 1993 policy – runs counter to how we interpret the intent of the RM zoning regulations and the public's expectations of such zoning to control development at the time the original applications are reviewed. As such, this Department denies the request to recalculate the original DA for Mr. Griffin's parcel. With this decision we are also returning Mr. Griffin's check for the application.

This decision may be appealed to the Planning Commission within ten (10) working days of the date of this letter. An appeal form accompanied by the applicable filing fee must be submitted by **5:00 p.m., August 31, 2011.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Holbrook', with a long, sweeping horizontal line extending to the right.

Dave Holbrook for
Jim Eggemeyer
Community Development Director
JKE/DJH/V0637_WRN (GRIFFIN)

cc: Tim Fox, Deputy County Counsel
Dave Holbrook, Senior Planner
Mark Griffin

CHAPTER 20A. "RM" DISTRICT **(RESOURCE MANAGEMENT DISTRICT)**

SECTION 6310. PURPOSES OF RESOURCE MANAGEMENT DISTRICT. The purposes of this chapter are to carry out the objectives and policies of those San Mateo County General Plan Chapters that fulfill the requirements for State-mandated Open Space and Conservation Elements, as well as other elements adopted as part of the General Plan of San Mateo County, to meet the requirements of Section 65910 of the Government Code of the State of California requiring formulation of an open space zoning ordinance, and to ensure consistency between the General Plan and the zoning ordinance.

SECTION 6311. APPLICABILITY OF RESOURCE MANAGEMENT DISTRICT. The Resource Management District (hereinafter the RM District) shall supplant and replace in name those F-1, A-1, and A-2 Districts that are combined with S-13 and S-11 Districts. The RM District may also be applied to other areas of the County when they are rezoned to such district.

These regulations shall not apply to a building or structure or portion thereof or use of building or land which does not conform to the zoning regulations and which lawfully existed at the time these regulations, with which it does not conform, became effective.

All parcels 5 acres or larger in size which were legally in existence at the time of the enactment of this ordinance shall continue to be legal parcels. Parcels smaller than 5 acres in size shall continue to be legal parcels only if no adjacent property was in the same ownership at the time of enactment of this ordinance, or if a potable on-site water supply had been developed on the parcel at the time of enactment of this ordinance. When such parcels can be aggregated to a minimum of 5 acres, each 5-acre aggregation shall constitute one legal parcel.

SECTION 6312. ELEMENTS OF DISTRICT REGULATIONS. The regulations of this district are included in seven (7) major ordinance elements: (1) Maximum forms of development and type of use, as indicated in Section 6315; (2) Development Review Procedures and Criteria, as indicated in Section 6450; (3) General Review Criteria, as indicated in Section 6324; (4) Supplementary Review Criteria for Primary Resource Areas, as indicated in Section 6325; (5) Supplementary Review Criteria for Special Hazards Areas, as indicated in Section 6326; (6) Primary Resource Areas and Hazard Areas; and (7) the applicable portions of the Zoning District Map, as included in the San Mateo County Zoning Ordinance.

SECTION 6313. DEVELOPMENT REVIEW PERMIT REQUIREMENT. All developments proposed for a location within a RM District shall require the issuance of a permit, pursuant to the Development Review Procedure specified in Chapter 23.

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.

Excluded from this definition of development and from Development Review Permits and Procedures are uses defined in Section 6458, and commercial logging which is controlled under regulation of the Timber Harvesting Ordinance, Division 8, Part 1, Chapters 1 through 15 of the San Mateo County Ordinance Code; topsoil operations which are subject to regulations of the County Ordinance Code, Chapter 2, Topsoil Site Regulations, Sections 7701.0 through 7701.11; quarrying operations which are subject to regulation of the County Ordinance Code, Chapter 3, Quarries, Sections 7702.0 through 7702.10; oil and gas well regulations, Sections 7703.00 through 7703.20, and grading and excavating operations which are subject to regulations of the County Ordinance Code, Chapter 8, Regulation of Grading and Excavating Operations, Sections 8600-8614; agricultural utility poles; single pump houses of less than 800 cubic feet in size, fences under 4 feet in height constructed of single wire or open wood rail, necessary repairs or maintenance of existing structures, agricultural uses that did not require a permit prior to adoption of this ordinance, and harvesting and conversion of land for agricultural use, unless said use or land falls within a Primary Wildlife or Primary Natural Vegetative Area, except that vegetation forming a significant part of the viewshed as seen from urban areas or public roads and trails shall be deleted from the definition of Primary Natural Vegetative Areas in consideration of conversion of land for agricultural use.

For purposes of this ordinance, "Significant Structures" shall be defined as a structure for human occupancy or use such as a single-family residence, multiple-family residences, trailer park structures, structures for overnight accommodations, restaurants, churches, private and public club structures, and schools, roads, bridges, public facilities and utilities, non-agricultural utility poles and structures, dams, breakwaters, mineral extraction buildings and constructs, harbors, docking facilities, recreation buildings and facilities, campground structures, dude ranch structures and similar types of structures.

SECTION 6313.1. OFFICERS: GENERAL AREAS OF RESPONSIBILITY.

- (a) The Director of Planning shall be responsible for notifying and furnishing information to interested persons and agencies, for coordination, accumulation and presentation of data to the Planning Commission and Board of Supervisors, for making recommendations relating to the overall design, and for assuring compliance with the provisions of this Ordinance.

- (b) The County Engineer and Road Commissioner shall be responsible for making recommendations pertaining to public and private roads, all such improvements within road rights-of-way including but not limited to storm drainage, sewer, water, traffic control, street lighting and public utilities facilities, and for making recommendations in connection with site development, grading erosion control, and matters related to soil stability and geology of the development. He shall be responsible for the review of reports, final maps and improvement plans required.
- (c) The County Health Officer shall be responsible for: (1) submission of a report stating the recommendations and conditions that must meet the standards and requirements pertaining to water supply, sewage disposal, and other environmental health matters, (2) certification that the quality and quantity of the domestic water supply meets County and State regulations, and (3) final approval of the method of sewage disposal, including consideration of state and local requirements.
- (d) The County fire authorities shall be responsible for making recommendations pertaining to fire prevention and means for protection from fires.
- (e) Officers shall submit their reports to the Director of Planning for submission to the Planning Commission and Board of Supervisors. Each of said officers shall be responsible for making necessary inspections with regard to the matters for which they are responsible to insure compliance with the requirements of this Chapter and the conditions of approval.

SECTION 6314. MAXIMUM PERMITTED DEVELOPMENT. The following provisions relating to use, density and intensity of development ensure that development is consistent with levels of services which reasonably can be provided, will conserve natural features and scenic values, and that areas hazardous to development or life are left in open or limited use. These provisions are maximum limits and, where applicable, more restrictive requirements imposed by the application of review criteria under Chapter 20A.2 shall supersede Sections 6315-6317.

SECTION 6315. PERMITTED USES. The following uses only shall be permitted in the RM District, except those subject to the provisions of Section 6500 which require a Use Permit:

- (a) Agricultural uses and accessory structures, on-site sales of agricultural products.
- (b) Nurseries and greenhouses.
- (c)* Temporary trailer parks and other housing for farm laborers.
- (d) Livestock raising and grazing.

- (e) Dairies.
- (f)¹ Kennels or catteries.
- (g)² Timber harvesting and commercial woodlots, providing that no commercial timber harvesting shall occur within 1,000 feet of any legal dwelling in existence on June 18, 1991, except under the following circumstances:
 - (1) Timber harvesting operations for which all permits had been received on or before June 18, 1991, may complete operations in accordance with the terms and conditions of such permits.
 - (2) Timber harvesting operations may occur within the 1,000-foot buffer zone with prior written approval of the owner of the affected dwelling, subject to the prior recordation of the statement specified in Section 6401.5.
 - (3) Normal forest maintenance may be conducted within the 1,000-foot buffer zone, but shall be limited to: (a) removing dead, dying, or diseased trees and snags; (b) salvaging downed wood; (c) cutting trees for the purposes of developing viewsheds or landscape aesthetics in accordance with other applicable provisions of this Part and of Division VII, San Mateo County Ordinance Code; or (d) clearing for firebreaks, in accordance with requirements of the County Fire Marshal or other applicable fire authority having jurisdiction.

Notwithstanding the above, access roads to the site of timber harvesting operations may be constructed, improved, and used within the 1,000-foot buffer zone. The limitation on harvesting within 1,000 feet of an existing dwelling shall not apply to a dwelling located on the parcel which is proposed for timber harvesting.

For the purpose of this section, the distance from a dwelling shall be measured along the surface of the ground.

- (h)⁴ Quarries and waste disposal sites.
- (i) Single-family residences.
- (j) Multi-family residences.
- (k)* Hotels, motels and restaurants.
- (l)* Churches.
- (m)* Schools.

- (n)* Fire stations.
- (o)* Public and private clubs.
- (p) Public recreation.
- (q)* Commercial recreation, including but not limited to stables and riding academies, golf courses, campgrounds, dude ranches, and motorcycle parks in accordance with adopted policies on motorcycle parks and related facilities.
- (r)³ Oil and gas exploration, production and storage.
- (s) Home occupations.
- (t)* Wineries; provided that the annual storage capacity shall not exceed 10,000 gallons, the annual fermentation capacity shall not exceed 5,000 gallons, and the annual bottling shall not exceed 2,500 cases of wine; the only retail sales permitted will be those of wines produced on the premises.
- (u)* Exotic animals for which a Use Permit has been obtained in accordance with Division III, Part II, Chapter 6 of the San Mateo County Ordinance Code are permitted in addition to those animals otherwise permitted by this Chapter.
- (v)* Scientific/Technical Research and Test Facilities, provided a Use Permit shall only be issued for this use upon the following findings:
 - (1) That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
 - (2) That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
 - (3) That no manufacturing or industrial activities are involved.
 - (4) That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Program.
 - (5) That the proposed use does not impair existing or potential agricultural uses on the site or on surrounding properties. The applicant shall demonstrate how agriculture will not be impaired, including provisions for leasing portions of the site for agricultural uses.
 - (6) That the proposed use of facility does not create a potential for any health or safety hazard.

(7) That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.

- (w) Keeping of pets in association with a one-family dwelling.
- (x) Limited keeping of pets in association with a second unit, farm labor housing unit or multiple-family dwelling unit.
- (y) Animal fanciers.
- (z)* Veterinary hospitals for small animals.
- (aa)* Veterinary hospitals for large animals.
- (ab)⁵ Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children).
- (ac) Keeping of confined animals.

*Uses allowed subject to a use permit

¹Allowed subject to a kennel/cattery permit

²Allowed subject to timber harvesting permit

³Allowed subject to oil well permit

⁴Allowed subject to quarry permit

⁵Allowed subject to a large family day care permit

SECTION 6316. SECOND DWELLING UNITS. See Chapter 22.5 for provisions to allow second dwelling units to locate in the RM District.

SECTION 6317. MAXIMUM DENSITY OF DEVELOPMENT. In the RM District, for purposes of determining the maximum total number of dwelling units permissible on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Any segment of a parcel to which a criterion first applies shall be allowed a maximum accumulation of that density. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel, which has not yet been assigned a maximum density accumulation, shall be assigned a density of one dwelling unit per 5 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of dwelling units allowed is equal to or greater than .5, the total

number of dwelling units allowed shall be rounded up to the next whole dwelling unit. If the fraction is less than .5, the fractional unit shall be deleted.

The provisions of this section will not apply to farm labor housing or other structures considered to be accessory to agriculture under the same ownership.

- (a) On lands falling within a 100-year floodplain as defined by USGS, dwelling units may be accumulated at a maximum of one unit per 40 acres. Where previous actions have eliminated such flood areas, the provisions of this subsection shall not apply.
- (b) For remote lands, defined as those lands over one mile from an existing all-weather through public road, density accumulation shall be limited to one dwelling unit per 40 acres.
- (c) Density accumulation in agricultural preserves or the exclusive Agricultural Districts as defined in the adopted Resource Conservation Area Density Matrix policy, designated for the production of specialty and other crops, shall not exceed one dwelling unit per 40 acres.
- (d) For areas within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County," density accumulation shall be limited to one dwelling unit per 40 acres.
- (e) All areas located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active Faults," probably active faults, and associated fracture zones in San Mateo County shall be limited to a maximum density accumulation of one dwelling unit per 40 acres.
- (f) That portion of a parcel which has a slope in excess of 50% shall have density accumulation limited to one dwelling unit per 40 acres; that portion of a parcel having a slope in excess of 30% but not exceeding 50% shall have density accumulation limited to one dwelling unit per 20 acres; that portion of a parcel having a slope in excess of 15% but not exceeding 30% shall have density accumulation limited to one dwelling unit per 10 acres. Slope is determined by dividing the change in elevation between contours (lines of equal elevation) by the horizontal distance between the respective contours.
- (g) Lands within the adopted Skyline State Scenic Highway corridors shall be limited to a density accumulation of one dwelling unit per 10 acres.
- (h) Areas designated by the U.S. Department of Agriculture, Soil Conservation Service as Class I or II soils, or Class III soils rated "good" or "very good" for artichokes or Brussels sprouts and within the climatic zone suitable for artichokes

and Brussels sprouts shall be limited to a maximum density accumulation of one dwelling unit per 10 acres.

Any map referenced in this section can be challenged for accuracy. Where maps referenced in this section can be proved inaccurate by more detailed study, the appropriate density accumulation shall be allowed.

SECTION 6317A. CONSERVATION OPEN SPACE EASEMENT. Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980). The boundaries of the conservation easement may be modified by the parties for purposes of health, safety and maintenance of the uses allowed at the time of the subdivision provided that the original intent and purposes of the conservation easement are maintained.

The land subject to a conservation easement is that land which is not designated for development under a Master Land Division Plan under the requirements of Chapter 23 (Development Review Procedure). The boundaries between the land designated as a conservation easement and the land available for development shall be chosen, at a minimum, so that improvements allowable at the time of subdivision may be made in areas outside the conservation easement, provided however, that no increase in density credits is implied or created and any development planned under this provision will be subject to the State laws and County regulations in place at the time the development is sought to be implemented. For purposes of Section 6317A, a "land division" does not include:

- (a) A lot line adjustment unless the proposed lot line adjustment will increase the intensity of use or density credits of the master parcel.
- (b) A land division resulting from a transfer of land to a public agency or non-profit organization for public recreation or open space purposes provided that the land acquired by the government agency or non-profit organization is dedicated as public open space or parkland in perpetuity.

SECTION 6318. DEVELOPMENT BONUSES. Where it is demonstrated that a development will further the goals and policies of the Open Space and Conservation Element of the San Mateo County General Plan, increases in the maximum allowable density may be permitted.

- (a) Developments where over 80% of the contiguous and compact parcel area is kept free from alteration (except as required for natural resource management purposes) and held in permanent common open space through appropriate forms of restrictions or public dedication, shall be encouraged by granting a

bonus density of up to 10% beyond that permitted by the provisions of Section 6317.

- (b) An additional bonus of up to 10% shall be granted if one or more of the following criteria are also met:
1. Auxiliary transportation modes will be used either to reduce the total land area devoted to structures and paved surfaces or to preserve areas of special open space value.
 2. Building and site design, structural systems and construction methods will be employed which both reduce the land area to be altered from a natural state and preserve the overall natural appearance and scale of the area.
 3. Housing units will be constructed of a type, price and in a location which would help promote the objectives of the Housing Element of the San Mateo County General Plan.

SECTION 6319A. MAXIMUM HEIGHT OF STRUCTURES. In the RM District, no residential or commercial structure shall exceed three stories or 36 feet in height except as allowed by use permit provisions in Chapter 22, Article 2, Section 6405 of the San Mateo County Ordinance Code.

SECTION 6319B. MINIMUM YARDS. In the absence of more restrictive provisions within this ordinance, the minimum yards required in the RM District shall be as follows:

Front: 50 feet
Side: 20 feet
Rear: 20 feet

Main and accessory buildings shall be located at least thirty (30) feet apart.

(Chapter 20A, Sections 6310 through 6319B - Added by Ordinance No. 2229 - December 20, 1973)

(Section 6310 - Amended by Ordinance No. 3872 - January 19, 1999)

(Section 6312 - Amended by Ordinance No. 3872 - January 19, 1999)

(Section 6313 - Amended by Ordinance No. 2347 - January 20, 1976)

(Section 6313 - Amended by Ordinance No. 3872 - January 19, 1999)

(Section 6315(f) - Amended by Ordinance No. 3449 - December 15, 1992)

(Section 6315(g) - Amended by Ordinance No. 3381 - April 14, 1992)

(Section 6315(t) - Added by Ordinance No. 2340 - April 12, 1977)

(Section 6315(u) - Added by Ordinance No. 2522 - July 18, 1978)

(Section 6315(v) - Added by Ordinance No. 2872 - January 17, 1984)

(Section 6315(w) - Added by Ordinance No. 3449 - December 15, 1992)

(Section 6315(x) - Added by Ordinance No. 3449 - December 15, 1992)

(Section 6315(y) - Added by Ordinance No. 3449 - December 15, 1992)
(Section 6315(z) - Added by Ordinance No. 3449 - December 15, 1992)
(Section 6315(aa) - Added by Ordinance No. 3449 - December 15, 1992)
(Section 6315(ab) - Added by Ordinance No. 3791 - October 21, 1997)
(Section 6315(ac) - Added by Ordinance No. 4075 - November 6, 2001)
(Section 6316 - Added by Ordinance No. 3038 - June 18, 1985)
(Section 6317A - Added by Ordinance No. 4388 - September 11, 2007)

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CHAPTER 36. RESOURCE MANAGEMENT-COASTAL ZONE (RM-CZ) DISTRICT

SECTION 6900. PURPOSES OF RESOURCE MANAGEMENT-COASTAL ZONE

DISTRICT. The purposes of this chapter are to carry out the objectives and policies of those San Mateo County General Plan Chapters that fulfill the requirements for State-mandated Open Space and Conservation Elements, as well as other elements adopted as part of the General Plan of San Mateo County, to meet the requirements of Section 65910 of the Government Code of the State of California requiring formulation of an open space zoning ordinance, and to ensure consistency between the General Plan and the zoning ordinance.

SECTION 6901. APPLICABILITY OF RESOURCE MANAGEMENT-COASTAL ZONE

DISTRICT. The Resource Management-Coastal Zone District (hereinafter the RM-CZ District) shall supplant and replace in name those F-1, A-1, and A-2 Districts that are combined with S-13 and S-11 Districts. The RM-CZ District may also be applied to other areas of the County when they are rezoned to such district.

These regulations shall not apply to a building or structure or portion thereof or use of building or land which does not conform to the zoning regulations and which lawfully existed at the time these regulations, with which it does not conform, became effective.

All parcels 5 acres or larger in size which were legally in existence at the time of the enactment of this ordinance shall continue to be legal parcels. Parcels smaller than 5 acres in size shall continue to be legal parcels only if no adjacent property was in the same ownership at the time of enactment of this ordinance, or if a potable on-site water supply had been developed on the parcel at the time of enactment of this ordinance. When such parcels can be aggregated to a minimum of 5 acres, each 5-acre aggregation shall constitute one legal parcel.

SECTION 6902. ELEMENTS OF DISTRICT REGULATIONS. The regulations of this district are included in seven (7) major ordinance elements: (1) Maximum forms of development and type of use, as indicated in Section 6905; (2) Development Review Procedures and Criteria, as indicated in Section 6910; (3) General Review Criteria, as indicated in Section 6912; (4) Supplementary Review Criteria, for Primary Resource Areas, as indicated in Section 6913; (5) Supplementary Review Criteria for Special Hazards Areas as indicated in Section 6914; (6) Primary Resource Areas and Hazard Areas; and (7) the applicable portions of the Zoning District Map, as included in the San Mateo County Zoning Ordinance.

SECTION 6903. DEVELOPMENT REVIEW PERMIT REQUIREMENT. All development proposed for location within an RM-CZ District shall require the issuance of a permit, pursuant to the Development Review Procedure specified in Chapter 23, and such proposed development shall comply with the California Environmental Quality Act (CEQA), Section 15020.

For purposes of Chapters 20A, 20A.2, 23 and 36, 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.

Excluded from this definition of development and from Development Review Permits and Procedures are uses defined in Section 6458 and commercial logging which is controlled under regulation of the Timber Harvesting Ordinance, Division 8, Part 1, Chapters 1 through 15 of the San Mateo County Ordinance Code; topsoil operations which are subject to regulations of the County Ordinance Code, Chapter 2, Topsoil Site Regulations, Sections 7701.0 through 7701.11; quarrying operations which are subject to regulation of the County Ordinance Code, Chapter 3, Quarries, Sections 7702.0 through 7702.10; oil and gas well regulations, Sections 7703.00 through 7703.20, and grading and excavating operations which are subject to regulations of the County Ordinance Code, Chapter 8, Regulation of Grading and Excavating Operations, Sections 8600-8614; agricultural utility poles; single pump houses of less than 800 cubic feet in size, fences under 4 feet in height constructed of single wire or open wood rail, necessary repairs or maintenance of existing structures, agricultural uses which did not require a permit prior to adoption of this ordinance, and crop harvesting and conversion of land for agricultural use, unless said use or land falls within a Primary Wildlife or Primary Natural Vegetative Area, except that vegetation forming a significant part of the viewshed as seen from urban areas or public roads and trails shall be deleted from the definition of Primary Natural Vegetative Areas in consideration of conversion of land for agricultural use.

For purposes of this ordinance, "Significant Structures" shall be defined as a structure for human occupancy or use such as a single-family residence, multiple-family residences, trailer park structures, structures for overnight accommodations, restaurants, churches, private and public club structures, and schools, roads, bridges, public facilities and utilities, non-agricultural utility poles and structures, dams, breakwaters, mineral extraction buildings and constructs, harbors, docking facilities, recreation buildings and facilities, campground structures, dude ranch structures and similar types of structures.

SECTION 6903.1. OFFICERS: GENERAL AREAS OF RESPONSIBILITY.

- (a) The Director of Planning shall be responsible for notifying and furnishing information to interested persons and agencies, for coordination, accumulation and presentation of data to the Planning Commission and Board of Supervisors, for making recommendations relating to the overall design, and for assuring compliance with the provisions of this ordinance.

- (b) The County Engineer and Road Commissioner shall be responsible for making recommendations pertaining to public and private roads, all such improvements within road rights of way including but not limited to storm drainage, sewer, water, traffic control, street lighting and public utilities facilities, and for making recommendations in connection with site development, grading erosion control, and matters related to soil stability and geology of the development. He shall be responsible for the review of reports, final maps and improvement plans required.
- (c) The County Health Officer shall be responsible for: (1) submission of a report stating the recommendations and conditions that must meet the standards and requirements pertaining to water supply, sewage disposal, and other environmental health matters, (2) certification that the quality and quantity of the domestic water supply meets County and State regulations, and (3) final approval of the method of sewage disposal, including consideration of State and local requirements.
- (d) The County fire authorities shall be responsible for making recommendations pertaining to fire prevention and means for protection from fires.
- (e) Officers shall submit their reports to the Director of Planning for submission to the Planning Commission and Board of Supervisors. Each of said officers shall be responsible for making necessary inspections with regard to the matters for which they are responsible to insure compliance with the requirements of this chapter and the conditions of approval.

SECTION 6904. MAXIMUM PERMITTED DEVELOPMENT. The following provisions relating to use, density and intensity of development ensure that development is consistent with levels of services which reasonably can be provided, will conserve natural features and scenic values, and that areas hazardous to development or life are left in open or limited use. These provisions are maximum limits and, where applicable, more restrictive requirements imposed by the application of review criteria under Chapter 20A.2 shall supersede Sections 6905-6907.

SECTION 6905. PERMITTED USES. The following uses only shall be permitted in the RM-CZ District, except those subject to the provisions of Section 6500 which require a use permit:

- (a) Agricultural uses and accessory structures, temporary roadstands for seasonal sale of produce grown in San Mateo County, providing that 1) sales activities are limited to less than a nine-month operating period per year, 2) all structures are of portable construction and shall be removed from the site within 10 days of the seasonal closure of the stand, 3) roadstand size shall be limited to 200 square feet and appearance, including signs, color and materials, is consistent with the policies of the certified LCP and meets the satisfaction of the Planning Director; and 4) access and parking requirements meet the satisfaction of the Director of Public Works, however, no impervious paving shall be required.

- (b) Nurseries and greenhouses.
- (c)* Temporary trailer parks and other housing for farm laborers.
- (d) Livestock raising and grazing.
- (e) Dairies.
- (f)¹ Kennels or catteries.
- (g)² Timber harvesting and commercial woodlots, providing that no commercial timber harvesting shall occur within 1,000 feet of any legal dwelling in existence on June 18, 1991, except under the following circumstances:
 - (1) Timber harvesting operations for which all permits had been received on or before June 18, 1991, may complete operations in accordance with the terms and conditions of such permits.
 - (2) Timber harvesting operations may occur within the 1,000-foot buffer zone with prior written approval of the owner of the affected dwelling, subject to the prior recordation of the statement specified in Section 6401.5.
 - (3) Normal forest maintenance may be conducted within the 1,000-foot buffer zone, but shall be limited to: (a) removing dead, dying, or diseased trees and snags; (b) salvaging downed wood; (c) cutting trees for the purposes of developing viewsheds or landscape aesthetics in accordance with other applicable provisions of this Part and of Division VII, San Mateo County Ordinance Code; or (d) clearing for firebreaks, in accordance with requirements of the County Fire Marshal or other applicable fire authority having jurisdiction.

Notwithstanding the above, access roads to the site of timber harvesting operations may be constructed, improved, and used within the 1,000-foot buffer zone. The limitation on harvesting within 1,000 feet of an existing dwelling shall not apply to a dwelling located on the parcel which is proposed for timber harvesting.

For the purpose of this section, the distance from a dwelling shall be measured along the surface of the ground.^a

- (h)⁴ Quarries and waste disposal sites.
- (i) Single-family residences.

^aNot effective in the Coastal Zone unless and until certification without change by the California Coastal Commission. Certification had not occurred as of the reprinting date of this Chapter {July 1999}.

- (j) Multi-family residences.
- (k)* Hotels, motels and restaurants.
- (l)* Churches.
- (m)* Schools.
- (n)* Fire stations.
- (o)* Public and private clubs.
- (p) Public recreation.
- (q)* Commercial recreation, including but not limited to stables and riding academies, golf courses, campgrounds, dude ranches, and motorcycle parks in accordance with adopted policies on motorcycle parks and related facilities.
- (r)³ Oil and gas exploration, production and storage.
- (s) Home occupations.
- (t)* Wineries.
- (u)* Exotic animals for which a use permit has been obtained in accordance with Division III, Part II, Chapter 6 of the San Mateo County Ordinance Code are permitted in addition to those animals otherwise permitted by this chapter.
- (v)* Aquaculture development.
- (w)* Repair, alterations, and additions to existing cemeteries.
- (x)* Scientific/technical research and test facilities, provided a use permit shall only be issued for this use upon the following findings:
 - (1) That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
 - (2) That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
 - (3) That no manufacturing or industrial activities are involved.

- (4) That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Plan.
- (5) That the proposed use does not impair existing or potential agricultural uses on the site or on surrounding properties. The applicant shall demonstrate how agriculture will not be impaired, including provisions for leasing portions of the site for agricultural uses.
- (6) That the proposed use of facility does not create a potential for any health or safety hazard.
- (7) That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.
- (y)* Corporation/maintenance yards for public purposes.
- (z)* Permanent roadstands for the sale of produce.
- (aa) Keeping of pets in association with a one-family dwelling.
- (ab) Limited keeping of pets in association with a farm labor housing unit or multiple-family dwelling unit.
- (ac) Animal fanciers.
- (ad)* Veterinary hospitals for small animals.
- (ae)* Veterinary hospitals for large animals.
- (af) Keeping of confined animals.

*Uses allowed subject to a use permit

¹Allowed subject to a kennel/cattery permit

²Allowed subject to timber harvesting permit

³Allowed subject to oil well permit

⁴Allowed subject to quarry permit

SECTION 6906. MAXIMUM DENSITY OF DEVELOPMENT. In the RM-CZ District, for purposes of determining the maximum total number of dwelling units permissible on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each

of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of dwelling credits allowed is equal to or greater than .5, the total number of dwelling credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.

Amount of Development Allowed for Non-Agricultural Uses, Except Visitor-Serving, Commercial Recreation and Public Recreation Uses

For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

Non-Agricultural Uses Except Visitor-Serving Uses

For non-agricultural uses, except visitor-serving uses, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded visitor-serving, commercial recreation and public recreation uses, one density credit shall be required for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One

additional density credit shall be required for each 630 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year.

This requirement applies to water use by or resulting from the visitor-serving use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For visitor-serving, commercial recreation, and public recreation uses listed in Table 1.5, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

First Density Credit

For one density credit or the first density credit when multiple density credits are available, either 1 1/2 times the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures," or the amount stated in that column and a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator.

Additional Density Credits

For each additional density credit, the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

For the purpose of this provision, "visitor-serving, commercial recreation, and public recreation uses" shall be only those lands and facilities listed in LCP Policies 11.1, 11.2 and 11.3, and only if those lands and facilities specifically enhance public opportunities for coastal recreation.

As an interim limit, no more than 600 visitor-serving lodging units may be approved in the rural Coastal Zone, as specified by LCP Policy 1.23.

The provisions of this section will not apply to farm labor housing, other structures considered to be accessory to agriculture under the same ownership, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or density credits transferred in accordance with the provisions established by the Planned Agricultural District Regulations.

(a) Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

(b) Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

(c) Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

(d) Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

(e) Land With Slope 30% but Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

(f) Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

(g) Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

(h) Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

(i) Land Within Agricultural Preserves or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

(j) All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections (a) and (j), the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

SECTION 6906.1. CONSERVATION OPEN SPACE EASEMENT. Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980).

SECTION 6907. DEVELOPMENT BONUSES. Where it is demonstrated that a development will further the goals and policies of the Open Space and Conservation Element of the San Mateo County General Plan, increases in the maximum allowable density may be permitted.

- (a) Developments where over 80% of the contiguous and compact parcel area is kept free from alteration (except as required for natural resource management purposes) and held in permanent common open space through appropriate forms of restrictions or public dedication, shall be encouraged by granting a bonus density of up to 10% beyond that permitted by the provisions of Section 6906.
- (b) An additional bonus of up to 10% shall be granted if one or more of the following criteria are also met:

1. Auxiliary transportation modes will be used either to reduce the total land area devoted to structures and paved surfaces or to preserve areas of special open space value.
2. Building and site design, structural systems and construction methods will be employed which both reduce the land area to be altered from a natural state and preserve the overall natural appearance and scale of the area.

SECTION 6908A. MAXIMUM HEIGHT OF STRUCTURES. In the RM-CZ District, no residential or commercial structure shall exceed three stories or 36 feet in height except as allowed by use permit provisions in Chapter 22, Article 2, Section 6405 of the San Mateo County Ordinance Code.

SECTION 6908B. MINIMUM YARDS. In the absence of more restrictive provisions within this ordinance, the minimum yards required in the RM-CZ District shall be as follows:

Front: 50 feet
Side: 20 feet
Rear: 20 feet

Main and accessory buildings shall be located at least thirty (30) feet apart.

(Section 6900 - Amended by Ordinance No. 3877 - January 19, 1999)
(Section 6902 - Amended by Ordinance No. 3877 - January 19, 1999)
(Section 6903 - Amended by Ordinance No. 3877 - January 19, 1999)
(Section 6905(a) - Amended by Ordinance No. 3263 - September 11, 1990)
(Section 6905(f), (aa)-(ae) - Amended/Added by Ordinance No. 03450 - December 15, 1993)
(Section 6905(g) - Amended by Ordinance No. 3381 - April 1992) - California Coastal Commission certified amendment on December 13, 2000 and became effective in the Coastal Zone on January 13, 2001.
(Sections 6905(t) and (u) - Added by Ordinance No. 2781 - April 6, 1982)
(Section 6905(w) - Added by Ordinance No. 2863 - December 13, 1983)
(Section 6905(w) - Amended by Ordinance No. 3276 - November 6, 1990)
(Section 6905(x) - Added by Ordinance No. 2872 - January 17, 1984)
(Section 6905(x) - Added by Ordinance No. 3128 - (October 6, 1987)
(Section 6905(x) - Amended by Ordinance No. 3189 - October 24, 1989)
(Section 6905(z) - Added by Ordinance No. 3189 - October 24, 1989)
(Section 6906 - Amended by Ordinance No. 3189 - October 24, 1989)
(Section 6906 - Amended by Ordinance No. 3716 - June 4, 1996)
(Section 6906 - Amended by Ordinance No. 3799 - November 18, 1997)
(Section 6906.1 - Amended by Ordinance No. 2893 - June 5, 1984)
(Section 6906.1 - Amended by Ordinance No. 3189 - October 24, 1989)
(Section 6906(7) - Amended by Ordinance No. 3002 - July 3, 1984)
(Section 6905(af) - Added by Ordinance No. 4074 - March 20, 2002)

COUNTY OF SAN MATEO
Intra-Departmental Correspondence

Date: July 8, 1991

To: Current Planning Staff
From: Kim Powleson, Senior Planner *KP*
Subject: Policy Regarding Incorrect Density Analyses

Planning Division policy is to require applicants to submit for an updated density analysis if a prior analysis on the same property has not been verified by a Graphics Section Delineator. A delineator has initialed the cards of all density analyses that have been verified. Unverified density analyses must be checked via a Request for Information to Graphics. If the analysis looks correct, the delineator will initial the card. If an analysis is incorrect, we will require a new density analysis, and the applicant is charged accordingly.

It is possible that updated analyses can yield fewer density credits than originally calculated. When an old density analysis is determined to be incorrect, we will honor the previous results if the owner or other parties have made substantial reliance on those results. "Substantial reliance" is interpreted as, for instance, buying or selling the property or incurring significant costs in planning a development based on those density credits. As with any density analysis, the applicant/owner should be notified that the result states the maximum holding capacity of the site but does not guarantee approval of a subdivision or any other development.

If there has not been substantial reliance on the incorrect results, the corrected results will be used.

Please note that, as of June 1, cards are no longer made for density analysis results. A delineator enters the data into Permit*Plan and it is presumed to be correct. At this point, staff needs to check both sources to see if a density analysis has been conducted.

KP:DR/fc - DSRB1419.AFO

cc: Terry Burnes
Bill Rozar
Debbie Serpa

Board of Supervisors Meeting

PLN 2011-00379

Case

J


Attachment

MEMORANDUM

COUNTY OF SAN MATEO ENVIRONMENTAL SERVICES AGENCY PLANNING AND BUILDING DIVISION

DATE: September 27, 1993

TO: Development Review Center Staff

FROM: Terry Burnes, Planning Administrator 

SUBJECT: Challenging Density Analysis Results
(RM, TPZ, RM-CZ, TPZ-CZ, PAD, RH, S-11 and SS-104 Districts)

Any map referenced in the Zoning Regulations for use in calculating density can be challenged for accuracy. Where referenced maps can be proved inaccurate by more detailed study, the appropriate density accumulation shall be allowed. Pursuant to this section, the policies below provide procedures to be followed in such challenges. These procedures apply to all zoning districts mentioned above.

1. There may be challenges to either (a) the data on which density calculations are based (generally, these are reference maps showing the factors considered in the density analysis) or (b) the calculations themselves (this would include the delineator's mapping of the factors considered in a particular analysis, planimeter measurement of areas and mathematical calculations).
2. Challenges to the data on which a density analysis is based must be by a study undertaken by a qualified professional or the owners, where appropriate, as indicated below. The documented results of the study (usually a map with explanatory text) must then be verified for use in the density analysis by County staff.

a. Prime Agricultural Soils

Study by: Soils scientist with five years soils experience in California.

Verification by: Resource conservationist (Resource Conservation District).

Results must be mapped with supporting text. Study must encompass entire parcel unless, under unique circumstances, a limited sub-area study is approved in advance by the Development Review Services Manager.

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Attachment

- b. Landslide Susceptibility/Slope Instability - Categories V, VI and L, as described on USGS MF 360.

Study by: Engineering geologist or soils engineer.

Verification by: County Geotechnical Section.

Geotechnical results must be mapped on County-approved topography with explanatory text. Topographic changes must be approved per challenge policy, Item 2.c.

Geotechnical study must encompass entire parcel unless the scope of a limited sub-area study is approved in advance by the County Geotechnical Section. The study must address the entire parcel as being either in or not in the V, VI and L categories as delineated by the County. The geotechnical consultant shall supply sufficient hard data based on his/her investigation to show whether or not slopes in question are in the V, VI and L categories. Supporting data submitted may be by testing, aerial photography, etc., as approved by the County Geotechnical Section.

- c. Slope

Study by: Licensed land surveyor or civil engineer.

Verification by: Senior civil engineer, Development Review Section, Department of Public Works, or if accepted by the County, a statement on the map, "contours developed from field study," signed and sealed by the engineer.

Study requires topographic survey and must encompass entire parcel unless a sub-area is approved in advance by the Development Review Services Manager. The submitted data for a sub-area must logically align with approved existing map. Results must be mapped at a scale appropriate to the accuracy tolerance of the survey (National Map Act Standards). Without such a study, only County topographic maps at 1"=400' scale, or 1"=40' in the RH Zone, will be used.

- d. Remote Lands

Study by: Owner or agent.

Verification by: Senior civil engineer, Development Review Section and Department of Public Works.

The determination of what constitutes an "all-weather through public road" is to be made by the Department of Public Works. Their determination may be challenged by letter from the property owner stating specific reasons why Public Works' evaluation of a given road should be revised.

e. Rift Zones or Active Faults

Study by: Engineering geologists.

Verification by: County Geotechnical Section.

Results must be mapped with supporting text and data. Area and scope of study to be approved in advance by the County Geotechnical Section.

f. 100-Year Floodplain

Study by: Owner or agent.

Verification by: Senior engineer, Development Review Section and Department of Public Works.

This determination is based on maps as specified for the particular zone in the Zoning Ordinance. Owner, through his/her registered civil engineer, may challenge our interpretation of those maps by letter stating specific reasons why the County's conclusions are incorrect or may submit evidence that areas have been officially deleted from the 100-year floodplain area.

g. Agricultural Preserve

Study by: Owner or agent.

Verification by: Development Review Services Manager.

This determination is based on official County agricultural preserve records. Owner may submit evidence that property is not in agricultural preserve.

h. Exclusive Agricultural District (Coastal Terrace)

Study by: Owner or agent.

Verification by: Development Review Services Manager.

This determination is based on County maps of the coastal terrace agricultural district referenced in the Conservation/Open Space Element. Owner may challenge our interpretation of that map by letter stating specific reasons why our conclusions are incorrect.

i. Skyline State Scenic Highway Corridor

Study by: Owner or agent.

Verification by: Development Review Services Manager.

This determination is based on the official scenic corridor map adopted by the Board of Supervisors. Owner may challenge our interpretation of that map by letter stating specific reasons why our conclusions are incorrect.

3. Challenges to the calculations involved in a density analysis may be made by the owner or his agent by letter stating specific reasons why the calculations are incorrect. The Development Review Services Manager shall review the basis of the challenge and the calculations made by the Delineator. At that point, the Development Review Services Manager may reject or verify the challenge or refer the matter to the senior civil engineer, Development Review Section and Department of Public Works for recalculation of the density analysis by appropriate Public Works staff. All density analyses will be performed by designated Planning Division or Public Works staff only.
4. Density analysis applicants should be referred to and work directly with the Delineator on matters relating to density analysis results and challenges. The Delineator should consult senior staff as necessary.
5. When a challenge to data on which a density analysis is based is verified and recalculation is requested by the owner or his agent, an additional density analysis fee will be collected to cover costs of recalculation. No additional fee will be collected when recalculation results from verification of an error in previous calculations (see 1, above).

TLB:DKS:fc – DKSM1115_WFO.DOC
(07/23/02)

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

DATE: May 23, 2012

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of an appeal of the Community Development Director's decision that a density analysis cannot be challenged if its resulting credits have already been used toward development. The parcel is located at 290 Woodland Vista in the unincorporated La Honda area of San Mateo County.

PROPOSAL

The applicant wishes to challenge the previous density analysis of a 24-acre parcel, which resulted in two density credits and, subsequently, a two-lot subdivision (Parcel 1: 5.98-acres and Parcel 2: 18.95-acres) recorded in 1981, by requesting a new density analysis to allow a two-lot subdivision of the 18.95-acre parcel.

The 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 has identified that the implementation of newer, more accurate methods of calculating land than was available when the original density analysis of the 24-acre parcel was completed would alter the results such that the 18.95-acre parcel *could* yield two density credits which would tentatively allow a two-lot subdivision.

RECOMMENDATION

That the Planning Commission deny the appeal, which includes denying the opportunity to subdivide the subject 18.95-acre parcel, by upholding the Community Development Director's decision that a density analysis cannot be challenged once the resulting credits have been used toward development (PLN 2011-00379).

SUMMARY

Once a density analysis is completed by the Planning Department, an applicant may challenge the data to which the density calculations are based, or the resulting calculations. Based on the Planning and Building Department's Policy Regarding Incorrect Density Analyses, dated July 8, 1991, instances where an older density analysis is determined to be incorrect will continue to

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be honored 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, staff is recommending that the Planning Commission uphold the Community Development Director’s decision to deny the challenge of a density analysis where the resulting density credits have already been allocated toward development.

SB:pac – SSBW0181_WPU.DOCX

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

DATE: May 23, 2012

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of an appeal of the Community Development Director's decision that a density analysis cannot be challenged if its resulting credits have already been used toward development. The parcel is located at 290 Woodland Vista in the unincorporated La Honda area of San Mateo County.

County File Number: PLN 2011-00379 (Griffin)

PROPOSAL

The applicant wishes to challenge the previous density analysis (DEN 328-77) of a 24-acre parcel, which resulted in two density credits and subsequently a two-lot subdivision (SMN 79-27) recorded on November 3, 1981, by requesting a new density analysis to allow a two-lot subdivision of the 18.95-acre child¹ parcel.

The 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 has identified that the implementation of newer, more accurate methods of calculating land than was available when the original density analysis (DEN 328-77) of the 24-acre parcel was completed would alter the results such that the 18.95-acre parcel could yield two density credits. If allowed pursuant to this appeal, the applicant would use those credits to apply for a new two-lot subdivision.

RECOMMENDATION

That the Planning Commission deny the appeal, which includes denying the opportunity to subdivide the subject 18.95-acre parcel, by upholding the Community Development Director's decision that a density analysis cannot be challenged once the resulting credits have been used toward development (PLN 2011-00379).

BACKGROUND

Report Prepared By: Summer Burlison, Project Planner, Telephone 650/363-1815

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

Applicant: Michael McCracken

Owner: Mark Griffin

Location: Woodland Vista, La Honda

APN: 083-310-120

Size: 18.95 acres

Parcel Legality: Parcel 1 of two-lot subdivision, SMN 79-27, recorded on November 3, 1981 (result of density analysis, DEN 328-77, yielding two density credits).

Existing Zoning: RM (Resource Management)

General Plan Designation: Open Space

Existing Land Use: Single-family residence and second unit

Water Supply: Septic system

Sewage Disposal: Private well

Flood Zone: FEMA Flood Zone Map indicates the parcel is located in Zone C, area of minimal flooding, per Community Panel No. 060311 0334 B, effective July 5, 1984.

Setting: The 18.95-acre parcel is comprised of varied slopes. The existing single-family residence, detached second unit and miscellaneous accessory buildings are located in a relatively open area of the parcel with the south and east portions of the property more heavily vegetated.

Background: The County's rural Resource Management (RM) and Resource Management-Coastal Zone (RM-CZ) District regulations were adopted in 1973 and 1981, respectively. The regulations require that a density analysis be completed to determine the maximum number of density credits allocated to a specified parcel or parcels, based on the criteria stipulated in Sections 6317 and 6906, respectively, for calculating density credits (see Attachments I and J). Each resulting credit², as calculated by the Planning Department, can be allocated toward a dwelling unit, a new parcel to a subdivision, or uses as allowed under Table 1.5 of the San Mateo County Local Coastal Program (for RM-CZ zoned land only).

Once a density analysis is completed by the Planning Department, an applicant may challenge the data to which the density calculations are based (i.e., reference maps), or the resulting calculations (e.g., mapped factors considered in an analysis, planimeter measurement of areas or mathematical calculations). The Planning and Building Department's Policy Regarding Incorrect Density Analyses, dated July 8, 1991, and Memorandum on Challenging Density Analysis Results, dated September 27, 1993, are included as Attachments K and L. As stated in

² Fractions of 0.5 or greater are rounded up to the next whole number, while fractions less than 0.5 are deleted.

the 1991 County Policy, instances where an older density analysis is determined to be incorrect will continue to be honored if “the owner or other parties have made substantial reliance³ on those results.” The County’s formal interpretation and implementation of this Policy has been, and continues to be, that the use of density credits for development eliminates any opportunity for someone to challenge the applicable density analysis, after the density credits have been fully “used” in an approved and recorded subdivision.

Thus, the County continues to infer, from Policy and Zoning Regulations, that further density analyses are not allowed on a parcel, such as the subject parcel, when that parcel was derived from the allocation of a previous density analysis, as this type of allowance would conflict with the goals and intent of rural zoning affecting the density of development in rural zoned areas.

The County’s position prevents the potential for continued increased development on rural (RM and RM-CZ) parcels beyond what any existing parcel would otherwise allow. Section B of this staff report further identifies the implications of an appeal of the Community Development Director’s decision that a previous density analysis for which the credits have already been used toward development cannot be challenged. Likewise, a new density analysis cannot be completed on a parcel that was derived from the use of a previously calculated density credit. Rather, the opportunity to challenge a density analysis (and thus, the maximum density of development of any given parcel) can only be exercised prior to “substantial reliance” of the resulting credits for development.

Chronology:

| <u>Date</u> | <u>Action</u> |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| September 16, 1977 | - Density Analysis (DEN 328-77) results concluded two density credits available on a 24-acre parcel, APN 083-310-090, see Attachment D. |
| November 3, 1981 | - Minor Subdivision (SMN 79-27) recorded for a two-lot subdivision of the 24-acre parcel, APN 083-310-090, by use of the two density credits allocated to the parcel under Density Analysis (DEN 328-77), see Attachment E. |
| February 21, 1991 | - Density Analysis (DEN 91-0003) application received for APN 083-310-120 (subject 18.95-acre parcel). |
| March 7, 1991 | - Density Analysis (DEN 91-0003) closed and fees refunded upon County finding that the parcel was derived from previous Density Analysis (DEN 328-77), which resulted in two density credits on parent (24-acre) parcel used toward a two-lot subdivision that created the child parcel to which the new density analysis (DEN 91-0003) was being requested. The County indicated that since the original two |

³ Substantial reliance is defined as buying or selling the property or incurring significant costs in planning a development based on those density credits, per the County’s Policy Regarding Incorrect Density Analyses dated July 8, 1991.

density credits had already been used up by the two-lot subdivision, there was no point to proceed with this density application.

- January 3, 1995 - Request for Information from Mark Griffin for original density analysis study. County notes indicated the analysis did not show landslide susceptibility and thus is a slope only study, and that there appeared to be a calculation error of the slope as 50% + slope was not added into the totals, which would have lowered the resulting density credits; further study noted to be useless with present information.
- July 21, 1995 - Request for Information from Mark Griffin whether a challenge to topographic and/or landslide calculations of original density analysis (DEN 328-77) could yield him 1.5 density credits (which would be rounded up to 2) on his subdivided 18.95-acre parcel. County notes indicated that it was okay to apply for a challenge on his 18.95-acre parcel as slopes and maps were not as accurate when original density analysis on 24-acre parcel was completed in 1977.
- September 18, 2005 - Minor Assignment (MNA 2005-00013) to document request from Mark Griffin, owner of Parcel 2 (SMN 79-27) to challenge the slide/stability criteria used in the original density analysis with new geotechnical data.
- December 1, 2005 - Determination from (former) Community Development Director that the challenge of a previous density analysis for which the resulting credits have already been used (i.e., recorded subdivision), is not allowed as it is counter to the County's interpretation of the Resource Management zoning regulations and the public's expectations of such zoning to control development at the time original applications are reviewed; density analysis challenges must occur prior to the use of the resulting credits.
- October 10, 2010 - Second request submitted by Mark Griffin to challenge the original density analysis (DEN 328-77) for his subdivided 18.95-acre parcel. Community Development Director denied the challenge request since the resulting (2) density credits from the original density analysis had already been used toward a two-lot subdivision (SMN 79-27) that create Mr. Griffin's 18.95-acre parcel (i.e., the credits being challenged had already been used toward development).
- October 27, 2010 - Letter and documentation received from Rick Skierka, Licensed Land Surveyor, indicating a recalculation of density credits on Mark Griffin's 18.95-acre parcel would result in two density credits (1.56 credits, rounded up to 2), and describing an updated and more accurate methodology for calculation than previously used in 1977, see Attachment F.

- November 23, 2010 - Letter to County from Michael McCracken of McCracken, Byers and Richardson, LLP (Mark Griffin's attorney) requesting recalculation of density credits, per request made on October 10, 2010, see Attachment G.
- August 17, 2011 - Letter from County to Michael McCracken, in response to Mr. McCracken's November 23, 2010, request for recalculation of density credits on Mark Griffin's 18.95-acre parcel, restating the County's position to deny the request as previously calculated credits had already been used toward development, but that the Community Development Director's denial could be appealed to the Planning Commission, see Attachment H.
- August 17, 2011 - Appeal to Planning Commission of County's denial of a density analysis challenge, filed in the form of a proposed two-lot subdivision of APN 083-310-120 (Griffin/18.95-acres).

DISCUSSION

A. Proposed Two-Lot Subdivision

A proposed two-lot subdivision map of the subject parcel owned by Mark Griffin, APN 083-310-120, is included as Attachment C. The map shows the proposed subdivision of the 18.95-acre parcel, should the Planning Commission overturn the Community Development Director's denial to challenge a previous density analysis where the resulting credits have already been used, thereby supporting the applicant's appeal and request for a new density analysis on the subject parcel that would result in two (2) density credits for use toward the proposed two-lot subdivision. Existing development on-site includes a single-family residence, a detached second unit, and miscellaneous accessory buildings. Aside from the density credit issue, the proposed subdivision could otherwise comply with the County's General Plan, Zoning Regulations, and Subdivision Regulations. A formal two-lot subdivision application would need to be submitted for County review and processing should the Planning Commission allow a new density analysis on the child parcel owned by Mark Griffin.

B. Decision Implications

The following section discusses the implications of the Planning Commission's decision of this appeal.

1. Deny the applicant's appeal by upholding the Community Development Director's decision.

The Planning Commission's decision to deny the applicant's appeal and uphold the Community Development Director's decision would be consistent with the Department's long-standing interpretation and implementation of the zoning

standards for regulating development on rural parcels zoned Resource Management (RM) and Resource Management-Coastal Zone (RM-CZ). When resulting density credits are used for development or subdivision (which, at a minimum, would require public notification), the public's expectation at that time is that the parcel's maximum density of development has been fulfilled, and no further development or subdivision of the original parcel should be anticipated. In addition, the criteria for determining the maximum density of development in the RM and RM-CZ zones, which under the least conservative criteria, Section 6317 and 3906 of the Zoning Regulations, is one density credit per 5 acres or one density credit per 40 acres, respectively, further supports the intent of the RM and RM-CZ Zoning Districts as being designated for lower development use.

Denial of the applicant's appeal to allow further density calculation and subdivision of a child parcel would be consistent with the priorities of the General Plan relative to Policy 7.9 (*Definition of Rural Development*), Policy 7.19 (*Appropriate Land Use Designations for Rural Area*), Policy 9.12 and Table 9.1P (*Land Use Designations and Locational Criteria for the Rural Areas*), and the General Open Space Policies of Chapter 9, which cumulatively seek to preserve rural parcels for lower density/intensity land uses, support densities between one density credit per 5 acres to one density credit per 160 acres as determined to be consistent with the protection of open space, and minimize development impacts on land designated General Open Space.

Furthermore, such a decision would be consistent with the intent of the Local Coastal Program (for RM-CZ zoned parcels) with regard to an appropriate development density for parcels designated as open space. Specifically, Table 1.2(17) and Table 1.3 of the Local Coastal Program identify a range of development density for lands designated open space (consistent with the RM-CZ zoning designation) as one density credit per 40 acres to one density credit per 160 acres, to preserve and protect the integrity and character of rurally designated areas of the County by preventing inappropriate intensities of development.

2. Uphold the applicant's appeal by denying the Community Development Director's decision.

The Planning Commission's decision to uphold the applicant's appeal and deny the Community Development Director's decision would allow the applicant to proceed in submitting a formal two-lot subdivision of the 18.95-acre child parcel, under a recalculated density analysis of the parcel which would yield two (2) density credits. Several factors contribute to the minimum parcel size required to accommodate rural development, including, but not limited to, zoning setbacks, locating a septic system (which must be located on the parcel it serves), a well (can either be individual or shared), and access. Under the best of site conditions, a parcel under one (1) acre could potentially support a rural residential development. However, topographic and geological constraints would likely increase the minimum parcel size needed to accommodate rural development.

Relying solely on mathematics, a parcel's size alone could rule out the opportunity for a density analysis to produce more than one (1) density credit. In the RM zone, using a best case scenario of site conditions, the minimum size of an existing parcel that could yield 1.5 density credits (rounded up to two) would be 7.48 acres. Likewise, in the RM-CZ zone, using a best case scenario of site conditions, the minimum size of an existing parcel that would yield 1.5 density credits (rounded up to two) would be 59.8 acres.

Applying the above mathematics to the resulting parcel sizes of the applicant's proposed two-lot subdivision under RM zoning, proposed Parcel A at 5.4 acres would not be of a size that could allow further density analyses. However, proposed Parcel B of 13.5 acres could entertain further density analyses and has the potential to produce two (2) additional density credits for development or subdivision.

Countywide, there are a total of 1,596 parcels zoned Resource Management with 588 of those parcels able to yield two (2) density credits under the best case scenario of site conditions. Likewise, there is a total of 557 parcels zoned Resource Management-Coastal Zone with 51 of those parcels able to yield two (2) density credits under the best case scenario of site conditions. Additionally, allowing challenges to density analyses where the resulting credits have already been used toward development in the RM and RM-CZ Zoning Districts would open the door to a number of parcels that were created by use of previously calculated density credits. Besides potentially allowing greater development density beyond the expected limits set by the density analysis process, some of this increased development could occur in rural areas where present development densities either already pose problems (i.e., access, fire suppression, visual and other resource impacts) or additional density may exacerbate such problems. Thus, a decision by the Planning Commission to uphold the applicant's appeal would set a precedent to the Department's processing of density analyses and density analyses challenges, counter to the Department's historical and current interpretation and practice.

Should the Planning Commission decide to allow challenges to previously used density analyses, staff would update the County's Policy Regarding Incorrect Density Analyses, dated July 8, 1991, and Memorandum on Challenging Density Analysis Results, dated September 27, 1993, accordingly.

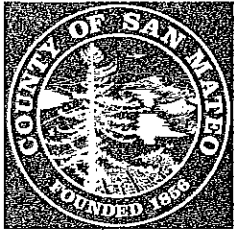
C. Conclusion

Based on 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, staff is recommending that the Planning Commission uphold the Community Development Director's decision by making a consistent determination that a density analysis cannot be challenged once substantial reliance has been made on the density analysis results, which includes use of the resulting credits toward development.

ATTACHMENTS

- A. Vicinity/Zoning Map
- B. Proposed Subdivision Map, dated February 3, 2012
- C. Density Analysis DEN 328-77, dated September 16, 1977
- D. Minor Subdivision, SMN 79-27, dated November 3, 1981
- E. Letter and Exhibits (1-6) from Rick Skierka, dated October 27, 2010
- F. Letter to County from Michael McCracken, dated November 23, 2010
- G. Response Letter from County to Michael McCracken, dated August 17, 2011
- H. Resource Management Zoning Regulations
- I. Resource Management-Coastal Zone Regulations
- J. County Policy Regarding Incorrect Density Analyses, dated July 8, 1991
- K. County Memorandum on Challenging Density Analysis Results, dated September 27, 1993

SB:pac – SSBW0182_WPU.DOCX



County of San Mateo

Planning & Building Department

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www.co.sanmateo.ca.us/planning

May 29, 2012

Michael McCracken
870 Mitten Road
Burlingame, CA 94010

PROJECT FILE

Dear Mr. McCracken:

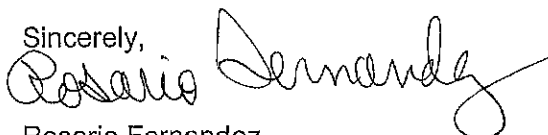
Subject: **LETTER OF DECISION**
File Number: PLN2011-00379
Location: 290 Woodland Vista, La Honda
APN: 083-310-120

On May 23, 2012, the San Mateo County Planning Commission considered your appeal of the Community Development Director's decision that a density analysis cannot be challenged if its resulting credits have already been used toward development, in association to the parcel located at 290 Woodland Vista in the unincorporated La Honda area of San Mateo County.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission denied your appeal of the Community Development Director's decision that a density analysis cannot be challenged if its resulting credits have already been used toward a development (specifically, a recorded subdivision).

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on June 7, 2012.**

If you have questions regarding this matter, please contact Summer Burlison, Project Planner, at 650/363-1815 or Email: sburlison@smcgov.org.

Sincerely,


Rosario Fernandez
Planning Commission Secretary
Pcd0523W_rf. (McCracken)

Enclosure: San Mateo County Survey - An online version of our Customer Survey is also available at: <http://www.co.sanmateo.ca.us/planning/survey>

cc: Department of Public Works
Environmental Health Division
County Assessor
Rick Skierka

Building Inspection Section
CALFIRE
Mark Griffin
Lennie Roberts

Board of Supervisors Meeting

PLN 2011-00379

Case

M

Attachment

PLN 2011-00379

Case

N

Attachment

Application for Appeal

☐ To the Planning Commission☒ To the Board of Supervisors

RECEIVED

JUN 07 2012

County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849San Mateo County
Planning and Building Department

Name: Michael D. McCracken Esq.

(Attorney for Mark Griffin (Owner))

Phone, W: 650-697-4890 H:

Address:

870 Mitten Rd.

Burlingame Ca

Zip:

94010

Permit Numbers involved:

PLN 2011-00379

I hereby appeal the decision of the:

☐ Staff or Planning Director☐ Zoning Hearing Officer☐ Design Review Committee☒ Planning Commissionmade on May 23 2012 to approve/deny
the above-listed permit applications.I have read and understood the attached information
regarding appeal process and alternatives.☒ yes☐ no

Appellant's Signature:

Michael D. McCracken

Date:

6/7/12

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

We request the Planning Commission's decision be reversed on the following grounds:

1) Planning Commission misinterpreted and mis-applied the governing density calculation ordinance of the County of San Mateo.

2) Planning Commission and Staff failed to acknowledge relevant evidence in the county files

3) The Planning Commission, in reaching its decision, did not proceed in a manner required by law.