



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: October 16, 2014
Board Meeting Date: October 21, 2014
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Acting Community Development Director

Subject: Public hearing to consider an ordinance amending the County Subdivision Regulations to revise lot dimension requirements in areas outside of the Coastal Zone, pursuant to Section 66411 of the California Government Code, and to certify a Negative Declaration, pursuant to the California Environmental Quality Act

RECOMMENDATION:

That the Board of Supervisors:

- A) Approve an ordinance that amends Section 7020.2.k of the San Mateo County Subdivision Regulations to create an exception to the minimum parcel depth requirement when the parcel being subdivided is a corner lot as defined by Section 6102.55 of the Zoning Regulations, is located outside of the Coastal Zone, and is not located within any Fire Severity Zones as defined by the California Department of Forestry and Fire Protection.
- B) Certify the Negative Declaration as complete and correct by making the required findings in Attachment A.

BACKGROUND:

The applicant, Shahram Zomorodi, applied to subdivide a corner parcel that measures 12,902.6 square feet on the east corner of the intersection of Alameda de las Pulgas and Sharon Road. The proposed new parcels meet the minimum lot size (5,000 sq. ft.) and width (50 ft.) requirements for the R-1/S-72 Zoning District and have adequate building envelopes to accommodate single-family residences, but the proposed new parcels do not meet the minimum lot depth of 100 feet as presently required by Section 7020.2.c of the Subdivision Regulations.

The pertinent portion of Section 7020.2.c currently reads:

Dimensions

The minimum width of each parcel shall conform to the requirements of the Zoning Regulations, but in no case shall be less than 50 feet, exclusive of rights-of-way or easements for road purposes. The **minimum depth** shall be as necessary to provide the minimum parcel size for the zoning district, **but in no case shall be less than 100 feet, nor greater than three times the width**, exclusive of rights-of-way or easements necessary for road purposes.

The Planning Department notified the applicant that this standard would prohibit the County from approving the proposed subdivision. After conferring with staff, the applicant applied for a text amendment to the Subdivision Regulations to eliminate the minimum 100-foot lot depth requirement.

The Planning and Building Department accepted Mr. Zomorodi's application to amend the Subdivision Regulations on June 4, 2013. The Planning Department published its notice of intent to file a Negative Declaration on October 23, 2013. The Planning Commission first heard the proposal on December 11, 2013. On February 12, 2014, the Commission recommended that the Board of Supervisors certify the Negative Declaration and approve the ordinance to amend Section 7020.2.c (*Lot Dimensions*) of the Subdivision Ordinance, to eliminate the minimum lot depth requirement for unincorporated areas outside of the Coastal Zone. On May 6, 2014, the Board of Supervisors considered this recommendation and public comment and remanded the item to the Planning Commission for further study.

On August 27, 2014, the Planning Commission considered additional public comment and the staff report and recommended that the Board of Supervisors approve an ordinance that revises the lot dimension requirements in the Subdivision Regulations by adding a new exception to the lot depth requirement. The exception would be added to Section 7020.2.k of the Subdivision Regulations and would allow the creation of parcels with less than 100 feet in depth out of existing corner parcels as defined by the Zoning Regulations. This exception would apply in areas outside of the Coastal Zone and outside of Fire Hazard Severity Zones mapped by Cal-Fire.

Section 7020.2.k would be amended to read (new language in italics):

Exceptions to Parcel Design Requirements

Exceptions to parcel design requirements may be granted, pursuant to Chapter 5, when:

- (1) The parcels are located on or adjacent to steep hillsides, rivers or creeks;

- (2) The parcels are to be used for commercial or industrial purposes; or
- (3) The proposed development consists of clustered housing, townhomes, condominiums or combinations thereof.

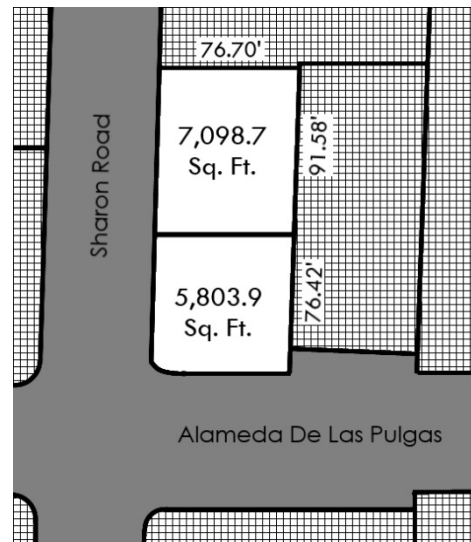
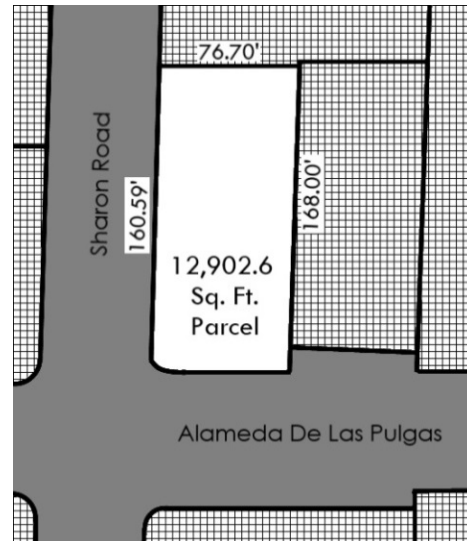
Exceptions to parcel depth requirements may be granted, pursuant to Chapter 5, when the site being subdivided is a corner lot as defined by Section 6102.55 of the Zoning Regulations (i.e., a lot not greater than one hundred (100) feet in width and located at the junction of two (2) or more intersecting streets), is located outside of the Coastal Zone, and is outside of areas designated on the California Department of Forestry and Fire Protection’s Fire Severity Zone Maps as Very High Risk, High Risk, and Medium Risk within State Responsibility Areas and Very High Risk within Local Responsibility Areas.

The proposed amendment will not change the minimum lot size required by the applicable zoning districts, nor would a subdivision be allowed to exceed the applicable density designations on the General Plan Land Use Map.

An example of a lot that could be subdivided if this ordinance amendment is adopted is the applicant’s lot (**right**). It is large enough to be divided into parcels that meet all standards except lot depth. Specifically, the resulting parcels more than meet the minimum parcel size and width, provide adequate building areas, and meet lot frontage and access requirements.

In analyzing the applicant’s proposal, staff identified all parcels in the unincorporated area that would qualify for the proposed exception—that is, all parcels that are over twice the minimum parcel size for their zoning districts, are corner parcels as defined by the Zoning Regulations, and are outside of both the mapped Fire Hazard Severity Zones and the Coastal Zone.

Staff determined that the proposal would potentially affect 13 parcels as shown in the table below. This proposal would potentially allow the creation of 13 additional parcels (that would not be allowed under the current regulations), all in R-1 (single-family residence) zoning districts. The total number of parcels that could result if all 13



affected parcels were subdivided to their potential maximum would be 26. The analysis did not account for site-specific constraints that could potentially preclude subdivision. The project analysis assumed that 13 new additional parcels could be created.

Unincorporated Community/ Neighborhood	Current Total of Existing and Potential Parcels	Parcels Gaining Subdivision Potential	New Additional Parcels Only Possible If This Alternative Is Approved	Percentage Increase in Number of Parcels
Broadmoor	1,462	1	1	0.07%
Burlingame Hills	485	0	0	0.00%
Country Club Park	58	0	0	0.00%
Devonshire	834	2	2	0.24%
Emerald Lake Hills	1,888	0	0	0.00%
Kensington Square	71	0	0	0.00%
Ladera	553	0	0	0.00%
Los Trancos Woods	425	0	0	0.00%
Menlo Oaks	277	0	0	0.00%
North Fair Oaks MFR	841	0	0	0.00%
North Fair Oaks SFR	1,987	3	3	0.15%
Palomar Park	302	0	0	0.00%
San Mateo Highlands	1,755	0	0	0.00%
Sequoia Tract	1,314	5	5	0.38%
Unincorporated Colma	31	1	1	3.23%
Weekend Acres	299	0	0	0.00%
West Menlo Park	1,497	1	1	0.07%
Total	14,079	13	13	0.09%

DISCUSSION:

1. Geographical Analysis Method

Staff used the County’s Geographic Information System (GIS) to identify all parcels over twice the minimum parcel size for their respective zoning districts. Then, staff used the zoning parcel books to identify which parcels are constrained by the current requirement for a minimum 100-foot depth, and which of those are corner parcels. Staff then checked to see whether any of these were located in mapped Fire Hazard Severity Zones. Staff used only the lot line dimensions and street frontages given in these books. Staff did not account for any site-specific development constraints, such as slope or lack of utility infrastructure, so the realistic potential for subdivision of these parcels may be less than that shown in the table above. The maximum potential was used in the project analysis in order to ensure that the maximum possible impact was analyzed.

Existing density, current potential density, and the potential density that would result if this ordinance amendment is adopted were then determined for each unincorporated area on the Bayside. In areas with more than one land use designation, such as the Medium-Low Density Residential and Medium Density Residential (MDR) areas of West Menlo Park, each designation was analyzed separately.

2. Conformity with General Plan Land Use Designations

Staff reviewed the project for conformity with the General Plan Land Use Element. The Land Use Element sets a target range of density for every unincorporated area. Planning staff analyzed the effect of this proposal on the potential density of all areas with affected parcels and found that the proposal would not create the potential to exceed the General Plan Land Use Designation maximum density limits in any area. The following table shows the maximum possible changes in density to all unincorporated areas containing affected parcels:

Unincorporated Neighborhood or Community	General Plan Land Use Designation	General Plan Density	Potential Density Under Current Regulations	Potential Density With Proposed Amendment
Broadmoor	MDR	6.1-8.7 du/ac	5.41	5.42
Devonshire	MDR	6.1-8.7 du/ac	5.66	5.67
Sequoia Tract	MDR	6.1-8.7 du/ac	4.90	4.92
West Menlo Park	MDR	6.1-8.7 du/ac	5.36	5.37
North Fair Oaks	(NFO) SFR	15-24 du/ac	5.67	5.68

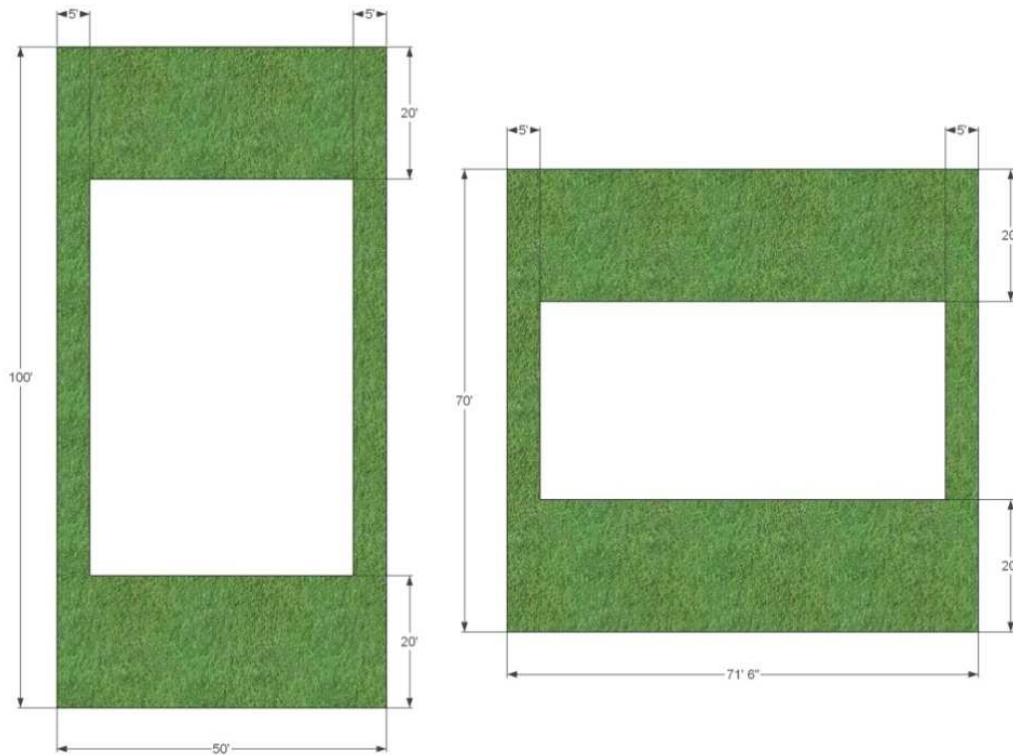
The table above is an exhaustive list of all unincorporated areas that could be affected by this proposal. If an unincorporated area is not listed in the above table, it does not have any parcels that could gain new development potential. As shown, in no case will the project cause an unincorporated community or neighborhood to exceed its maximum density.

3. Conformity with General Plan Policies

Staff has reviewed the project for conformity with all applicable General Plan Policies. The policies applicable to this project include the following:

Policy 4.14.b (*Appearance of New Development*) directs the County to regulate land divisions to promote visually attractive development. The County regulates the size of houses with ratios based on parcel sizes. Parcels that are conspicuously larger than their neighboring parcels can have houses that are correspondingly larger than surrounding houses. When these parcels are located on street corners, these conspicuously large houses can be very prominent. This proposal would have the effect of allowing the division of previously undividable parcels (that are over twice the minimum parcel size for the neighborhood), which

may discourage the construction of oversized houses by encouraging subdivision into smaller parcels that would have smaller houses.



Lot With 100-Foot Depth:
 5,000 Sq. Ft. Lot
 2,400 Sq. Ft. Building Envelope
 2,600 Sq. Ft. Mandatory Yard Area

Lot With 70-Foot Depth:
 5,005 Sq. Ft. Lot
 1,845 Sq. Ft. Building Envelope
 3,160 Sq. Ft. Mandatory Yard Area

Parcels that provide their minimum parcel size by providing more width than depth result in more mandatory open space surrounding each structure. The County’s zoning districts require longer setback distances from front and rear property lines than they do from side property lines. A parcel with more space dedicated to front and rear yard areas than to side yard areas will have more mandatory open space. Therefore, there is more mandatory open space on a wider, shallower parcel than on a narrower, deeper parcel. A narrower, deeper parcel contains more of the shorter side yard area and less of the longer front and rear yard areas, while a shallower, wider parcel contains less of the shorter side yard area and more of the longer front and rear yard areas. The result is more space dedicated to landscaping and providing light and air to development, making development more attractive.

Policy 4.35.b (*Urban Area Design Concept*) directs the County to ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality. This proposal will allow the

division of corner parcels that otherwise stand out in their communities as being unusually large. The result is lots that more harmoniously fit their surroundings.

Policy 8.14.a (*Land Use Compatibility*) directs the County to protect and enhance the character of existing single-family areas. This proposal would allow these areas to be built to a uniform density by allowing the division of conspicuously large parcels whose dimensions render them currently indivisible. This has the benefits described in the discussion of Policy 4.14.b.

Policy 8.29 (*Infilling*) directs the County to encourage the infilling of urban areas where infrastructure and services are available. The parcels that would be affected by this ordinance amendment are all in existing neighborhoods with existing infrastructure. The creation of new building sites in these areas would allow desirable infill development subject to the availability of utility service.

Policy 8.37 (*Parcel Sizes*) directs the County to regulate minimum parcel sizes in zoning districts in an attempt to: (1) ensure that parcels are usable and developable, (2) establish orderly and compatible development patterns, (3) protect public health and safety, and (4) minimize significant losses of property values. This proposal does not alter the minimum parcel sizes for each area required by the Zoning Regulations or the minimum parcel size of 5,000 square feet required by the Subdivision Ordinance. This proposal will allow the establishment of orderly and compatible development patterns by allowing the division of oversized parcels into parcels of similar size to neighboring parcels. The subdivision review process, to which all parcels affected by this proposal would remain subject, will ensure that new parcels are developable and that the development is not detrimental to the neighborhood.

Policy HE 18 (*Promote Housing on Small or Irregular Lots in Existing Urban Areas with Adequate Infrastructure*) of the Housing Element directs the County to allow and promote development of small and/or irregular parcels in appropriate areas in order to encourage greater diversity of housing choices and increase affordability. This proposal will allow the subdivision of irregularly shaped parcels that meet development standards and are approved at a public hearing through the subdivision review process.

4. Regulatory Background

The minimum parcel depth requirement was written into the regulations with the 1992 Subdivision Ordinance update. Prior to 1992, the only standard was for a maximum lot depth. The planner who drafted the requirement stated that the requirement for a minimum 100-foot depth was simply a function of the fact that the minimum lot width requirement was 50 feet and the minimum lot size was 5,000 square feet. The minimum parcel depth requirement was the parcel size requirement divided by the parcel width requirement. It was not created to accomplish any specific planning goal. The unincorporated neighborhoods and

communities have many parcels with depths of less than 100 feet that were created before the 1992 revision of the ordinance.

The cities in whose spheres of influence the affected parcels are located do not have minimum parcel depth requirements. The only exception is San Carlos, which has varying minimum parcel widths and depths based on parcel slope.

5. Public Comment

On May 6, 2014, the Board of Supervisors heard the Planning Commission's recommendation on the item, considered public testimony, and remanded the item back to the Planning Commission for further study.

The public testimony at the Board of Supervisors hearing covered three topics. The first was that eliminating the minimum parcel depth would result in overcrowding and lower resale prices for existing houses. The second was that doing so would reduce fire safety. The third was that the Board of Supervisors should also amend the Subdivision Ordinance to eliminate unbuildable land from the calculation of minimum parcel area.

a. Infill Development/Overcrowding/Resale Values

At the May 6 Board of Supervisors hearing, a number of speakers raised concern about the effect that an increase in subdivision potential will have on their neighborhoods. Particular concerns were raised about the amendment's effect on a property in West Menlo Park, at 2050 Santa Cruz Avenue, which was the site of a controversial subdivision proposal in 2005 that was eventually dropped by the applicant.

In response to these concerns, staff analyzed the impact of the originally requested amendment on this site and concluded that it would allow the parcel to be divided into a maximum of four parcels, whereas only three parcels could be considered under the current regulations. The revised version of the amendment recommended by the Planning Commission addresses this concern by limiting the exception to corner parcels as defined by the Zoning Regulations. The parcel at 2050 Santa Cruz Avenue does not meet this definition.

No further comment was received regarding this issue at the August 27 Planning Commission hearing.

b. Fire Safety

At the May 6 Board of Supervisors hearing, the Fire Marshal of the Woodside Fire Protection District identified concerns that eliminating the minimum parcel depth requirement would prevent the creation of defensible

space. This is of concern in the Wildland-Urban Interface and in areas of moderate, high, and very high fire hazard severity.

Defensible space is an area cleared of certain vegetation and organic surface litter in order to reduce the opportunity for wildfires to reach structures. In sites in the urban area of unincorporated San Mateo County, fire marshals typically require 100 feet of defensible space around construction and 30 feet of defensible space around completed structures. When this is not available, the space must extend to the property line.

The Planning Commission's recommendation excludes those areas mapped as Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.

c. Excluding Watercourses from Minimum Area Calculations

The Board of Supervisors directed the Planning Commission to consider supplementing the Subdivision Ordinance amendment in a manner that would eliminate areas within watercourses from counting toward minimum parcel size.

The Planning Commission determined that such an amendment would require larger parcels in areas encumbered by watercourses, and thereby enhance opportunities to provide setbacks that preserve and enhance the County's watersheds and riparian habitats. However, it would need to be accompanied with the consideration of an amendment to the Zoning Regulations to address the correlation between larger parcel sizes and larger homes based on current Floor Area Ratio requirements. It would also entail defining which specific types of watercourses would be excluded, defining the boundaries of watercourses, and determining the appropriate method of codifying this change.

In light of the need to conduct these additional analyses, as well as supplemental environmental review, the Planning Commission does not recommend that the suggested modification be included in this amendment. It is the Planning Department's intention to address this issue as part of the forthcoming comprehensive update to the Subdivision Regulations, programmed for fiscal year 2015.

6. Public Notification

The Planning Department advertised both the Planning Commission hearing and this hearing in the San Mateo Times. Notices for both hearings were sent to all owners of parcels within 300 feet of the 13 parcels identified as potentially gaining new subdivision potential, and to all neighborhood associations for areas

containing affected parcels. Additional notices were mailed to the affected property owners as well.

An Initial Study and Negative Declaration were prepared for this project and circulated from October 23, 2013 to November 22, 2013. As of the publication of this staff report, no comments on the adequacy or accuracy of the document have been received. The proposed amendment would not result in more potential for new development than the proposal originally analyzed. Therefore, no new California Environmental Quality Act (CEQA) analysis is required. The Planning Commission recommended that the Board of Supervisors certify the Negative Declaration on August 27, 2014.

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

FISCAL IMPACT:

The proposed amendment will enable a limited number of new parcels to be created within existing Bayside communities. The creation and development of these parcels would result in a slight increase to the County's property tax revenue.

ATTACHMENTS:

- A. Recommended Findings
- B. Initial Study/Negative Declaration

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS

Permit or Project File Number: PLN 2013-00221 Hearing Date: October 21, 2014

Prepared By: Steven Rosen
Planning Staff

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS TO THE BOARD OF SUPERVISORS

Regarding the Negative Declaration, Find:

1. That the Board of Supervisors does hereby find that this Negative Declaration reflects the independent judgment of San Mateo County.
2. That the Negative Declaration is complete, correct, and adequate and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines.
3. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project will have a significant effect on the environment.

Regarding the Subdivision Ordinance Amendment, Find:

4. That the proposed Subdivision Ordinance amendment will conform to the General Plan Land Use designations in that the proposal will not create the potential for any unincorporated community or neighborhood to exceed the maximum density for its designation.
5. That the proposed Subdivision Ordinance amendment will enact policies of the Visual Quality, Urban Land Use, and Housing Elements of the County Master Plan (i.e., 1986 General Plan) in that: (1) It will allow more flexibility in the division of parcels to create attractive building sites that are harmonious with existing development; (2) It will eliminate a requirement that hinders the development of the unincorporated areas of the County to the density envisioned in the Land Use Element; and (3) It will increase the supply of housing in the unincorporated areas of the County.