



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Planning and Building



**Date:** November 20, 2014  
**Board Meeting Date:** December 9, 2014  
**Special Notice / Hearing:** 10 days within 500 feet  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Acting Community Development Director

**Subject:** Public hearing to consider (1) Zoning Text and Map Amendments, pursuant to Section 6550 of the County Zoning Regulations, to rezone the subject parcel from R-2/S-50 (two-family residential) to PUD (Planned Unit Development), (2) a Minor Subdivision, pursuant to Section 7010 of the County Subdivision Ordinance and the State Subdivision Map Act, and (3) certification of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, to subdivide an 18,750 sq. ft. parcel into four parcels, at 91 Loyola Avenue, in the unincorporated North Fair Oaks area of San Mateo County.

**RECOMMENDATION:**

1. Approve the proposed Zoning Text and Map Amendments, Minor Subdivision and exceptions to the Subdivision Regulations, and certify the Mitigated Negative Declaration, County File Number PLN 2014-00090, by adopting the required findings and conditions of approval.
2. Adopt the ordinance to change the subject parcel's Zoning Map designation from R-2/S-50 (Two-Family Residential District /5,000 sq. ft. Minimum Parcel Size) to "PUD-138" (Planned Unit Development No. 138).
3. Adopt the ordinance to enact, applicable only to the subject parcels, the "PUD-138" (Planned Unit Development No. 138) Regulations.

**BACKGROUND:**

Proposal: The applicant proposes to subdivide a single 18,750 sq. ft. lot and to build four new single-family residences and two detached garages on four separate lots. The proposed parcels would be 4,531 sq. ft., 4,580 sq. ft., 4,792 sq. ft., and 4,842 sq. ft. in size. As proposed, two of the houses would be 2,270 sq. ft. in size, with each having a 361 sq. ft. detached two-car garage, and two of the houses would be 2,184 sq. ft. in size, including an attached two-car garage. There will be four on-site guest parking

spaces. The parking area will be accessed by a shared private driveway. The existing single-family dwelling on the site would be demolished to accommodate this proposed development. The California Water Service Company will provide water. The Fair Oaks Sewer Maintenance District will provide sewer service. The plans show that three significant trees will be removed. No significant grading is proposed.

The project entails rezoning the site from R-2/S-50 (two-family residential/5,000 sq. ft. minimum size) to Planned Unit Development (PUD). The proposed PUD zoning, based on the submitted development plans, will allow for parcel sizes and internal setbacks that are less than those allowed by the current zoning. It will also allow a greater building floor area than allowed by the current zoning, and apply daylight planes only to the site's exterior property lines. The applicant is also requesting an exception from the lot dimension standards of the Subdivision Ordinance to allow lot sizes and depths less than those required by the Subdivision Ordinance.

Planning Commission Action: On October 22, 2014, the Planning Commission voted to recommend that the Board of Supervisors approve the proposed Zoning Text and Map Amendments, Minor Subdivision and exceptions to the Subdivision Regulations and certify the Mitigated Negative Declaration, amending staff's original recommendation to require the planting of 21 new trees according to the landscape plan presented at the hearing.

Report Prepared By: Steven Rosen, Project Planner, Telephone 650/363-1814, srosen@smcgov.org

Applicant: Mark Haesloop

Owner: Sage Home Partners

Location: 91 Loyola Avenue, North Fair Oaks

APN: 060-285-080

Size: 18,750 sq. ft. (0.43 acres)

Existing Zoning: R-2/S-50 (Two-Family Residential/5,000 sq. ft. minimum size)

General Plan Designation: Multi-Family Residential (between 24 dwelling units/acre and 60 dwelling units/acre)

Sphere-of-Influence: Redwood City

Existing Land Use: Vacant Single-Family Dwelling

Water Supply: California Water Service Company

Sewage Disposal: Fair Oaks Sewer Maintenance District

Flood Zone: Zone X, outside the 0.2% annual chance floodplain

Environmental Evaluation: The project could pose impacts to the environment that are significant unless mitigated. The Planning Department has prepared a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act.

Setting: The project is located in the southern corner of North Fair Oaks near the Atherton border. The surroundings are developed with urban land uses. The area is developed with a mix of single-family, two-family, and multiple-family dwellings. Many lots are developed with two separate single-family dwellings. The site is about 560 feet southwest of the Caltrain railroad tracks and about 575 feet northeast of El Camino Real. There are seven significant trees on the site.

Chronology:

<u>Date</u>	-	<u>Action</u>
March 18, 2014	-	Application submitted.
July 25, 2014	-	Application deemed complete.
September 30 to October 20, 2014	-	Environmental Review document circulated for public comment.
October 22, 2014	-	Planning Commission public hearing. Project recommended for approval.
December 9, 2014	-	Board of Supervisors public hearing.

**DISCUSSION:**

A. KEY ISSUES

1. Compliance with the General Plan

The project, as proposed and conditioned, conforms to the applicable General Plan policies, as discussed below.

Vegetative, Water, Fish and Wildlife Resources Policies

Policy 1.23 – *Regulate Location, Density, and Design of Development to Protect Vegetative, Water, Fish, and Wildlife Resources*. This policy directs the County to regulate the location, density and design of development to minimize significant adverse impacts and encourage enhancement of vegetative, water, fish and wildlife resources. The County has designated

this area for greater density to provide new housing units within existing urban, developed areas.

### Soil Resources Policies

*Policy 2.17 – Regulate Development to Minimize Soil Erosion and Sedimentation.* This policy directs the County to regulate development to minimize erosion. Development in the County is subject to the requirement to prepare and adhere to a Construction Erosion and Sediment Control Plan. This will prevent erosion during the construction phase of the project by directing the builders to install measures that will prevent rain from washing bare soil off-site. Condition of Approval No. 7 requires that construction contractors implement all the BAAQMD's Basic Construction Mitigation Measures for dust control.

### Visual Quality Policies

*Policy 4.28 – Trees and Vegetation.* This policy directs the County to preserve trees and natural vegetation except where removal is required for approved development or safety, to replace vegetation and trees removed during construction wherever possible, using native plant materials or vegetation compatible with the surrounding vegetation, climate, soil, ecological characteristics of the region and acceptable to the California Department of Forestry, and to provide special protection to large and native trees. This project entails the removal of three significant trees. Condition of Approval No. 8 requires the replacement of these trees with the 21 trees shown on the landscape plan (Attachment D). The project also entails the preservation of four other significant trees, including one that participants at the Pre-Application Meeting identified as particularly valuable and attractive.

*Policy 4.35 – Urban Area Design Concept.* This policy directs the County to maintain and, where possible, improve upon the appearance and visual character of development in urban areas and to ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality. The design of the proposed project provides street facing doors and windows, rather than blank walls or garages, in order to provide a pleasing appearance when viewed from the street.

### Historical and Archaeological Resources Policies

*Policy 5.21 – Site Treatment.* This policy directs the County to encourage the protection and preservation of archaeological sites by requiring that construction work be temporarily suspended when archaeological sites are discovered in order to allow for the timely investigation and/or excavation of such sites by qualified professionals as may be appropriate. This is done in

cooperation with institutions of higher learning and interested organizations. Conditions of Approval Nos. 9 and 10 will protect any cultural resources that may be uncovered during work. Work will stop if any archaeological resources or human remains are found. Archaeological resources would be recorded, protected and curated before work could continue. If human remains were identified, the coroner would only allow work to continue after the cause of death and the origin of the remains were determined.

### Urban Land Use Policies

The site's former designation listed in the General Land Use Policies has been superseded by the North Fair Oaks Community Plan. North Fair Oaks is designated as an urban community.

Policy 8.29 – *Infilling*. This policy directs the County to encourage the infilling of urban areas where infrastructure and services are available. The site is within a mixed neighborhood of single-family dwellings on individual lots, single-family dwellings sharing lots, two-family dwellings, and multiple-family dwellings. Both the applicable water and sanitary districts have adequate capacity to provide respective service to the additional parcels proposed via this subdivision and any subsequent development. Loyola Avenue is an existing street maintained by the County Department of Public Works that is schedule to be improved in 2017. The proposed subdivision is infill of an urban area consistent with this policy.

### Man-Made Hazards Policies

Policy 16.12 – *Regulate Noise Levels*. This policy directs the County to regulate noise levels emanating from noise generating land uses through measures which establish maximum land use compatibility and nuisance thresholds. Construction noise is regulated by Condition of Approval No. 11, which limits construction hours to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Operational noise is limited by the County's Noise Ordinance.

### Air Quality Policies

Policy 17.15 – *Reduce Air Pollutants, Odors and Dust from Stationary Sources by Regulating Land Use Development*. This policy directs the County to require that all demolition, grading (excluding agriculture) and construction projects conform with applicable dust control measures recommended by the Bay Area Air Quality Management District (BAAQMD), including, but not limited to, surface wetting and seeding. Condition of Approval No. 7 requires the applicant to implement the Bay Area Air Quality Management District's Basic Construction Mitigation Measures, which will reduce construction air pollution impacts to a less than significant level.

2. North Fair Oaks Community Plan

Section 6191 of the Zoning Regulations states that no Planned Unit Development (PUD) District shall be enacted for any area unless and until the Board of Supervisors shall first have reviewed a precise plan of the subject area and its environs, and found that the proposed zoning of the area would be in harmony with said plan, and would not be in conflict with the County Master Plan, or with any other current land use plan for a sub-area of the County previously adopted by the Board of Supervisors.

This site is in the unincorporated urban community of North Fair Oaks, governed by the North Fair Oaks Community Plan. This plan is equivalent to a precise plan, and contains policies directing the development of the area. The proposed PUD is consistent with the goals and policies of the North Fair Oaks Community Plan, and does not conflict with the General Plan.

Chapter 2 – Land Use Goals and Policies

The site is designated as Multi-Family Residential on the North Fair Oaks Land Use Map. For this area, the plan envisions a range of density from a minimum of 24 dwelling units per acre (du/ac) to a maximum of 60 du/ac. The area is due to be rezoned to match the plan designations. The current zoning allows a maximum density of 17.4 du/ac. The current density on the site is 2.3 du/ac. It is the least dense lot in the Loyola-Amherst-Glendale area. The project proposes a density of 9.3 du/ac. This is below the minimum envisioned for the area, but it is closer to the envisioned density than the present development on the lot and is similar to the other lots in the area.

Land Use Policy 2C directs the County to allow residential infill development on underutilized residential parcels. This parcel is currently underutilized as the least dense parcel in its neighborhood. The neighborhood has many lots that are developed with more than one detached residence. The proposed development would bring the utilization of the parcel up to a level found elsewhere in the neighborhood. Additionally, the proposed density allows the development to conform to the Massing and Scale design guidelines discussed below that require development to respect the scale and character of the community.

Chapter 3 – Circulation and Parking

Circulation and Parking Policies direct the County to improve pedestrian and bicycle facilities throughout the community. As part of its street improvements work program, the Department of Public Works is scheduled to

improve Loyola Avenue in 2017. When the Department of Public Works developed its work program, it polled the residents of this neighborhood and found that they preferred streets that do not have sidewalks. The proposed improvements entail resurfacing the road to improve drainage and install valley gutters. Prior to this project, the Department of Public Works will again survey the neighborhood to determine the level of improvements they wish to be assessed for and receive. At this time, the neighborhood could elect to request and pay for sidewalks, curbs, and gutters for the entire length of the street, with the assessment based on the length of the frontage.

The Department of Public Works is not requiring any street drainage (i.e., valley gutters) improvements at this time for two reasons. The first is that Loyola Avenue is very flat, and drainage on the street is poor, so improvements to a single section of the street in isolation could exacerbate current drainage problems by funneling and directing stormwater to areas that cannot accommodate increased flow. The second is that they could potentially conflict with future street improvements. Because the street is so flat, the grading must be done very accurately to ensure that runoff flows away and does not pool. Precise surveys will be performed as part of the Department of Public Work's design of the street improvements, but are not ready now, so it would be guesswork to determine the correct elevations for the improvements where fractions of an inch mean the difference between proper drainage and pooling. Constructing improvements now would likely result in a frontage at the wrong elevation or that do not function with the rest of the installed improvements, requiring the demolition and replacement of the improvements. Additionally, the neighborhood could vote for a different type of improvement than the one installed, leading to an island frontage of sidewalk on street of valley gutters, or vice versa.

This topic was discussed at the Planning Commission hearing. A synopsis of the discussion is in Section B of this staff report.

#### Chapter 4 – Infrastructure

Infrastructure Policy 3A directs the County to implement all mandated stormwater treatment controls for both the construction and operational phases of projects. The Department of Public Works has reviewed the drainage plan submitted with the tentative subdivision map and found that the project, as conditioned, would meet the standards of the County's runoff permits. Construction drawings must include construction erosion and sediment control plans that show how runoff management practices will be implemented.

## Chapter 7 – Design Standards and Guidelines

Design Guideline D2-1 directs the County to require that buildings be oriented such that the primary facades (or sides of the building) and key pedestrian entries of the buildings face the street. This project includes houses that present front doors and many windows to the street rather than garage doors.

Design Guideline D2-5 directs the County to encourage parking and access to parking in the side and rear of lots, to minimize street parking and related disruption to the pedestrian environment. The project hides its parking in the center and rear of the lot. This parking area is accessed by a single, shared driveway from the front of the lot. The project does not create an additional driveway.

Design Guideline D2-6 directs the County to encourage buildings, especially individual residential units, to have access to sun and air through operable windows and building openings on at least two sides. These freestanding single-family dwellings have windows on all four sides.

Design Guideline D3-1 directs the County to respect the scale and character of existing residential developments in North Fair Oaks, by ensuring that the massing and scale of new residential development complements existing structures and development patterns. The existing development pattern is a mix of single-family houses on their own lots, single-family houses sharing lots, duplexes, and multi-family buildings. The proposed single-family houses are two stories tall and similar in size and shape to other buildings in the neighborhood. They maintain the setbacks from the project boundaries required by the existing S-50 Zoning District.

Design Guideline D7-1 directs the County to encourage creation of surface parking in new developments to be located behind or to the side of residential structures. The parking is located behind the front pair of houses.

### 3. Compliance with Zoning Regulations

The site is currently within the R-2/S-50 (two-family residential/5,000 sq. ft. minimum size) Zoning District. This proposal is to rezone the parcel to a Planned Unit Development District. The remainder of the surrounding area will remain in the R-2/S-50 District and be subject to its standards, so it is useful to determine how the project compares to these standards in order to assess its impact on its neighbors. The project is discussed as a whole in the table below, which shows how development following the proposed rezoning would compare to development that is currently allowed by right. For instance, only the project's exterior setbacks are discussed because



these are the ones that face the site's neighbors. The interior setbacks do not affect existing structures.

	<b>S-50 Standard</b>	<b>Proposed</b>
Building Site Width	50 ft.	50 ft.
Building Site Area	5,000 sq. ft.	Lot 1: 4,792 sq. ft. Lot 2: 4,842 sq. ft. Lot 3: 4,531 sq. ft. Lot 4: 4,580 sq. ft.
Development Density	17.4 du/ac max.	9.3 du/ac
Project Front Setback	20 ft. min.	20 ft.
Project Rear Setback	20 ft. min.	20 ft.
Project Right Side Setback	5 ft. min.	5 ft.
Project Left Side Setback	5 ft. min.	5 ft.
Project Building Floor Area Ratio	45% max.	51.4%
Project Building Site Coverage Ratio	50% max.	30.9%
Building Height	28 ft. (architectural features: 36 ft.)	28 ft. (chimney: 34 ft.)
Project Daylight Plane	20 vertical feet from existing grade at setback lines, then inward at an angle of 45 degrees until maximum building height, with limited protrusions allowed	The proposed houses conform to the standard as measured from the overall exterior setback lines.

**Parcel Size:** The applicant has proposed to subdivide the project parcel with common easements and a Covenant of Codes and Restrictions binding the four lots together. As can be seen in the above table, the gross area of each proposed lot would be less than the minimum required under the existing zoning. If the Board of Supervisors decides to approve this proposal, then the depicted gross parcel sizes will become fixed with the customized PUD zoning and cannot be changed without the approval of the Planning Commission and Board of Supervisors.

**Building Setbacks:** Because of the reduced size and configuration of each proposed parcel, each proposed house will have at least one non-conforming setback in relation to the parcels to be created by the subdivision. Of primary concern to staff is the relationship of this project to residences on adjacent parcels. Along the property lines where proposed development abuts existing residences, the applicant is proposing to

maintain the required setbacks of the S-50 Zoning District. From the perspective of neighboring residences, the proposed development is no closer to them than what would be allowed under the existing zoning. Within the proposed development, setbacks between the residences will be less than that typically required due to the reduced parcel sizes and configuration. These unique features are included as elements of the customized PUD regulations.

Daylight Plane: Externally, from the perspective of the adjacent residences, the new homes that will be built as a result of this project will conform to the daylight plane requirements of the S-50 Zoning District. However, internally, the new residences will violate the S-50 daylight plane requirements, again, due to the reduced parcel sizes and configuration of the proposal.

Landscaping: The S-50 Zoning Regulations require the area within the front yard setback to be landscaped to include ground cover, shrubbery, and trees (minimum 5-gallon size) at the rate of one tree per 50 feet of street frontage. The landscape plan in Attachment D shows how this proposal meets this requirement. Condition of Approval No. 8 requires the applicant to replace the trees according to the landscaping plan prior to issuance of certificates of occupancy for the residences.

#### 4. Compliance with Planned Unit Development (PUD) Findings

Planned Unit Development (PUD) Districts are districts created with regulations specifically made for the project site that specify exactly what development is allowed. Planned Unit Development regulations may be enacted and set forth on Zoning Maps pursuant to Chapter 9 of the Zoning Regulations. Within each PUD District, specific conditions of the regulation of the use of property shall be specified. The applicant submitted a plan set showing the proposed development on the site. These plans (Attachments C, D, and E) would be cross-referenced by the Planned Unit Development Zoning District that applies to this site.

Section 6191 of the Zoning Regulations states that no PUD District shall be enacted for any area unless and until the Board of Supervisors has first:

*Reviewed a precise plan of the subject area and its environs, and found that the proposed zoning of the area would be in harmony with said plan, and would not be in conflict with the County Master Plan (i.e., 1986 General Plan), or with any current land use plan for a sub-area of the County previously adopted by the Commission.*

Based on the previous discussion in the General Plan and North Fair Oaks Community Plan compliance sections of this report, the proposed PUD Zoning District regulations are in harmony with the applicable General and

Specific Plan policies. Additional required findings listed below (italicized) stipulate that the specific PUD District:

- a. *Is a desirable guide for the future growth of the subject area of the County.*

Staff Response: The applicant is proposing a type of development (small lot, individual ownership) which is consistent with the North Fair Oaks Community Plan's goals of increasing home supply and ownership. The proposed project provides a method for alternative housing styles and higher densities in an area with a great need for additional housing.

- b. *Will not be detrimental to the character, social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.*

Staff Response: This project will develop the site to a similar intensity and land use as the surrounding neighborhood. Replacement of the existing house with new buildings, constructed to today's building codes, will enhance the value of this parcel and the surrounding area. Each of the proposed houses will be around 2,200 sq. ft. in size, in keeping with surrounding homes in this neighborhood.

- c. *Will be in harmony with the zoning in adjoining unincorporated areas.*

Staff Response: The zoning in the surrounding unincorporated area is R-2/S-50. The neighborhood is generally bounded by Fifth Avenue on the west, the Caltrain Railroad tracks to the north, El Camino Real to the south and the City of Atherton to the east. As stated previously, there are several PUDs within this neighborhood. The proposed project is at a lower density than these developments and appears, from a visual perspective, to be in relative harmony with development in this neighborhood.

- d. *Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.*

Staff Response: The development is 580 feet from State Highway 82 (El Camino Real). The movement of three additional dwelling units' automobile and pedestrian trips in this location would not cause undue interference with traffic movements on this highway because there is no new driveway directly onto the highway, and the additional traffic leaving the Loyola/Amherst/Glendale area would be negligible.

- e. *Will provide adequate light, air, privacy and convenience of access to the subject property and further that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.*

Staff Response: The development will provide adequate light, air, and privacy by conforming to the R-2/S-50 daylight plane standard with regard to its external property lines and by providing internal separation between the units by placing yard areas, driveways, and parking areas between the units. Privacy is additionally protected by the preservation of large trees located on the left side property line. Convenience of access is provided by the internal drive built to the standards of and approved by the Department of Public Works, and by the provision of one guest parking space per unit in addition to the two covered parking spaces required by the Zoning Regulations. The project will not be at unusual or undue risk from fire because it will be built to the Fire Code and Building Code and is over 3 miles from a wildland fire danger area. It will not be at unusual or undue risk from inundation because it is not in a mapped flood zone or an area at risk from dam failure.

- f. *Will not result in overcrowding of the land or undue congestion of population.*

Staff Response: The development will result in a density comparable to the surrounding neighborhood.

## 5. Compliance with Subdivision Regulations

The proposed minor subdivision has been reviewed by staff with respect to regulations of both the State Subdivision Map Act and the County Subdivision Regulations. The County's Building Inspection Section, the Environmental Health Division, the Parks Department, the Department of Public Works, the Fair Oaks Sewer Maintenance District, the California Water Service Company, and the Menlo Park Fire Protection District have reviewed the project. The subdivision, as proposed, requires an exception from certain subdivision design requirements. As conditioned, the project will be in compliance with the other standards and requirements of the County Subdivision Ordinance. These conditions of approval have been included in Attachment A of this report. In order to approve this subdivision, the Board of Supervisors must make the following six findings:

- a. *Find that, in accordance with Section 66473.5 of the State Subdivision Map Act, this tentative map, together with the provisions for its design*

*and improvement, is consistent with the San Mateo County General Plan.*

The Department of Public Works and Planning staff have reviewed the tentative map and found it consistent, as conditioned in Attachment A of this report, with State and County land division regulations. The project is consistent with the County General Plan as discussed in Section A.1 of this report.

- b. *Find that the site is physically suitable for the type and proposed density of development.*

This site is physically suited for the proposed development for the following reasons: (1) the proposed parcels do not require substantial grading or clearing to accommodate the development; (2) the proposed parcels include ample building envelopes within which a residence could be constructed; (3) the County has received documentation that the parcels can be served by water and sewer facilities; and (4) access to the parcels can be easily provided.

- c. *Find that the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat.*

There is no evidence to suggest that the project, as conditioned, will create a public health problem or cause substantial environmental damage. While the demolition of the existing structures and construction work may temporarily affect the surrounding area, conditions of approval have been included in Attachment A of this report to substantially ameliorate these impacts.

While three (3) trees are to be removed and are included with this application, other mature trees will remain and will be protected from all necessary and future construction. The trees approved for removal may not be removed until the building permit for the demolition of the existing structures has been issued. Neither the removal of the trees nor the subdivision of the lot will have significant adverse environmental impacts.

Other construction-related impacts identified in this project's Initial Study include dust generation during site grading, potential damage to undiscovered cultural resources, and noise. Mitigation measures have been proposed in the Initial Study, and those measures have been included as conditions of approval in Attachment A of this report.

However, these are construction-related impacts and not expressly due to the design of the subdivision.

- d. *Find that the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.*

There are no easements located on the site. An easement will be recorded for the shared private drive and guest parking areas. The easement will also allow provision of utilities to the rear parcels.

- e. *Find that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.*

The proposed subdivision, as designed, can make use of passive heating and cooling. The four dwellings are located such that they will not block the afternoon sun, which is most effective for passive solar heating. The houses are spaced such that they will not block breezes. This spacing will allow the homeowners to choose whether or not to use passive solar heating methods.

- f. *That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the State Regional Water Quality Control Board (RWQCB) pursuant to Division 7 (commencing with Section 1300) of the State Water Code as their discharge would be typical of future residential homes and not violate requirements of the RWQCB.*

The Fair Oaks Sewer Maintenance District has confirmed that adequate sewer capacity and hookups are available to serve the additional parcels created by this subdivision. The discharge of waste into the existing community sewer system will not result in any violations of existing RWQCB requirements.

## 6. Exceptions to Subdivision Design Requirements

In order to be approved, the project must be granted an exception from the Subdivision Design Requirements of Section 7020.2 of the Subdivision Ordinance. The proposed subdivision does not meet the requirements for parcel size, parcel depth, or street frontage. The proposed parcels are 4,531 sq. ft., 4,580 sq. ft., 4,792 sq. ft. and 4,842 sq. ft. in size where 5,000 sq. ft. is the minimum. The proposed rear parcels are approximately 91 feet in depth and the proposed front parcels are approximately 96 feet in depth where 100 feet is the minimum depth. The rear lots lack frontage on a public street, where 50 feet is the minimum frontage required. Section

7020.2.k allows exceptions from these requirements for clustered housing, such as this PUD, with the following findings:

- a. *That there are special circumstances or conditions affecting the property, or the exception is necessary for the preservation and enjoyment of substantial property rights of the owner/subdivider.*

The site of the proposed development is unique in that it is larger and less intensely used than other properties in the neighborhood. It therefore provides a good opportunity to provide appropriate infill development that is consistent with the North Fair Oaks Community Plan and Housing Element.

- b. *That the exception is appropriate for the proper design and/or function of the subdivision.*

The subdivision is designed around a shared private drive that reduces the amount of impervious surface and reduces the prominence of parking as viewed from the street. Its function is as four single-family dwellings on four individual lots, allowing the sale of each dwelling separately. It allows the development of the parcel with a similar use and to a similar density as the surrounding neighborhood.

- c. *That the granting of the exception will not be detrimental to the public health, safety or welfare or injurious to other property or uses in the area in which the property is situated.*

There is no evidence to suggest that the subdivision will be detrimental to the public health, safety, or welfare or injurious to other property or uses in the area. The use and intensity of development proposed is similar to the surrounding neighborhood. The project conforms to General Plan Policies and PUD District findings as discussed above. These regulations are designed to protect public health, safety and welfare.

## 7. Compliance with In-Lieu Park Fees

Section 7055.3 (*Fees In-Lieu of Land Dedication*) of the Subdivision Ordinance requires, as a condition of approval of the tentative map, that the subdivider dedicate land for public parks or pay an in-lieu fee. Said fee is for the acquisition, development or rehabilitation of County park and recreation facilities, and/or to assist other providers of park and recreation facilities to acquire, develop or rehabilitate facilities that will serve the proposed subdivision. The section further defines the formula for calculating this fee. The in-lieu fee for this subdivision is estimated at \$71,947.67,

based on current tax assessment records. A worksheet showing the prescribed calculation appears as Attachment G. Condition of Approval No. 3 (Attachment A) has been included requiring that these fees be submitted to the Planning and Building Department prior to recordation of the final map. The final fee shall be based upon the assessed value of the project parcel at the time of recordation of the parcel map.

B. PLANNING COMMISSION DISCUSSION

The Planning Commission heard and recommended approval of the proposal at the meeting held on October 22, 2014. The Planning Commission changed Mitigation Measure 2 (Condition of Approval No. 8) to require the planting of 21 trees as shown on the landscaping plan presented to the Planning Commission. The landscape plan is included in Attachment D.

The Planning Commission discussed the subdivision improvement plans. As discussed in Section A.2 of this staff report, the Department of Public Works is not requiring the installation of sidewalks in conjunction with this project.

At the Planning Commission hearing, neighbors discussed the need for pedestrian improvements on the street. The neighbors requested that the developer pay to improve a length of street frontage on the opposite side of the street to complete the sidewalk on that side. The Planning Commission considered this, as well as a requirement to install sidewalks on the project's frontage, but declined to add such conditions of approval for the reasons discussed in Section A.2 of this report.

C. REVIEW BY THE NORTH FAIR OAKS COMMUNITY COUNCIL

The North Fair Oaks Community Council considered the proposal at its meeting on April 24, 2014. It recommended approval without comments or conditions.

D. MAJOR DEVELOPMENT PRE-APPLICATION WORKSHOP

At the Pre-Application Workshop held on February 6, 2014, the Planning Department and applicant's team presented the project to interested members of the public.

While the attendees did not necessarily object to the proposed PUD rezoning or its specific design, they wanted the County to consider and take concrete steps to rectify the Loyola/Amherst/Glendale area's inadequate infrastructure in order to accommodate this and any future high density residential development.

Specifically, they cited the streets' poor drainage, exacerbated by lack of adequate storm drains, lack of gutters, and poor road surface contouring. Many parts of the Loyola road surface are not crowned, resulting in the pooling of



stormwater. Additionally, they said that pedestrian infrastructure is inadequate for increased density.

Staff Response: The Department of Public Works plans to improve Loyola Avenue in 2017. It will survey property owners to determine their preferred configuration and notify them of the assessment due for each type of configuration. The road will be resurfaced and crowned.

The attendees were also concerned with street parking. One attendee feared that each bedroom in the development will bring with it a car.

Staff Response: This project includes the two covered parking spaces for each single-family dwelling as mandated by the Zoning Regulations, and one uncovered guest parking space for each unit, which is not specifically required under the County parking regulations.

Some neighbors attributed late-night noise and disturbances to renters. They believe that higher-density housing will bring more renters to the neighborhood.

Staff Response: There are no County regulations or other legal basis that prohibit the renting of property.

The adjacent neighbors would like heating, ventilation, and air conditioning (HVAC) machinery to be located away from exterior lot lines and would like healthy trees protected. They would also like to ensure that windows facing the side lot lines do not affect privacy.

Staff Response: Condition of Approval No. 6 requires that HVAC machinery not be located within 5 feet from the project's side exterior property lines nor within 20 feet of the project's front and rear exterior property lines.

#### E. ENVIRONMENTAL REVIEW

An Initial Study was completed and a Mitigated Negative Declaration issued in conformance with CEQA Guidelines (see Attachment F). The public review period for this document was September 30 through October 20, 2014. Mitigation measures have been included as Conditions of Approval No. 12-19 in Attachment A.

#### F. REVIEWING AGENCIES

Building Inspection Section  
California Historical Resources Information System  
California Water Service Company  
County Counsel  
Department of Public Works

Fair Oaks Sewer Maintenance District  
Menlo Park Fire Protection District  
North Fair Oaks Community Council  
San Mateo County Parks Department

County Counsel has reviewed and approved the report and ordinances as to form.

Approval of the proposed Zoning Text and Map Amendments contributes to the Shared Vision 2025 of a Livable Community by allowing the subject parcel to be used in a manner that will increase the vitality of the neighborhood, and increase the number of housing units in the County without negatively impacting adjacent properties.

**FISCAL IMPACT:**

The assessed value of the property will increase upon completion of the subdivision and related improvements.

**ATTACHMENTS:**

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Tentative Parcel Map
- D. Site, Floor, and Landscape Plans
- E. Proposed Building Elevations
- F. Initial Study/Mitigated Negative Declaration
- G. In-Lieu Park Fee Worksheet

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 2014-00090

Hearing Date: December 9, 2014

Prepared By: Steven Rosen  
Project Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS**

Regarding the Mitigated Negative Declaration, Find:

1. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
2. That the Mitigated 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.
4. That the mitigation measures identified in the Mitigated Negative Declaration and agreed to by the owner and placed as conditions on the project in conformance with the California Public Resources Code Section 21081.6.

Regarding the Planned Unit Development Zoning Amendment, Find:

5. That the proposed rezoning is consistent with the policies of the General Plan and North Fair Oaks Community Plan in that it provides appropriate infill development and needed housing.
6. That the proposed rezoning allows for a desirable form of future growth that is compatible with the neighborhood and consistent with the current density standards of the General Plan and Zoning Regulations.
7. That the proposed rezoning will not be detrimental to the character and the social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas, in that this project will develop

the site to a similar intensity as the surrounding neighborhood. The project will entail the same land use as the surrounding parcels, and the Planned Unit Development (PUD) Zoning District ensures the stability of development on the lot by writing the proposed improvement plans into the Zoning Regulations.

8. That the proposed rezoning will be in harmony with the zoning in the adjoining unincorporated area in that the density is within the range allowed by the existing R-2/S-50 Zoning District and in that the development meets the requirements of that Zoning District that regulate the relationship of the site with its neighbors with regard to setbacks, daylight plane, parking, and height requirements.
9. That the proposed rezoning is over 500 feet away from Highway 82 (El Camino Real), and will not cause undue interference with existing or prospective traffic movements on said highway, as the three additional dwelling units' automobile and pedestrian trips in this location will not cause undue interference with traffic movements on this highway because there is no new driveway directly onto the highway, and the additional traffic leaving the Loyola/Amherst/Glendale area would be negligible.
10. That the proposed rezoning will provide adequate light, air, privacy and convenience of access to the subject property nor make the property subject to unusual or undue risk from fire, inundation, or other dangers. The development will provide adequate light, air, and privacy by conforming to the R-2/S-50 daylight plane standard with regard to its external property lines, and by providing internal separation between the units by placing yard areas, driveways, and parking areas between the units. Privacy is protected by the preservation of large trees located on the left side property line. Convenience of access is provided by the internal drive built to standards of and approved by the Department of Public Works and by the provision of one guest parking space per unit in addition to the two covered parking spaces required by the Zoning Regulations. The project will not be at unusual or undue risk from fire because it will be built to the Fire Code and Building Code and is over 3 miles from a wildland fire danger. It will not be at unusual or undue risk from inundation because it is not in a mapped flood zone or an area at risk from dam failure.
11. That the proposed rezoning will not result in overcrowding of the land or undue congestion of population, in that the development will result in a density comparable to the surrounding neighborhood.

Regarding the Subdivision, Find:

12. That, in accordance with Section 66473.5 of the Subdivision Map Act, this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan. The Department of Public Works and Planning staff have reviewed the tentative map and found it consistent, as conditioned in Attachment A of this report, with State and County land division

regulations. The subdivision is also consistent with the County General Plan as discussed in Section A.1 of this report.

13. That the site is physically suitable for the type of development and for the proposed density of development in that: (1) the proposed parcels do not require substantial grading or clearing to accommodate the development; (2) the proposed parcels include ample building envelopes within which a residence could be constructed; (3) the County has received documentation that the parcels can be served by water and sewer facilities; and (4) access to the parcels can be safely provided.
14. That the design of the subdivision and proposed improvements are not likely to cause serious public health problems, to cause substantial environmental damage, or substantially and avoidably injure fish and wildlife or their habitat in that the conditions of approval limit the hours of construction activities, impose dust control, require mitigation of impacts to cultural resources and require that the trees to be removed are replaced.
15. That the design of the subdivision and the type of the improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision in that there are no easements located on the site.
16. That the design of the subdivision provides, to the extent feasible, for future passive natural heating or cooling opportunities in that the four dwellings are located such that they will not block the afternoon sun, which is most effective for passive solar heating and in that the houses are spaced such that they will not block breezes. This spacing will allow the homeowners to choose whether or not to use passive solar heating methods.
17. That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the State Regional Water Quality Control Board (RWQCB) pursuant to Division 7 (commencing with Section 1300) of the State Water Code as their discharge would be typical of future residential homes and not violate requirements of the RWQCB. The Fair Oaks Sewer Maintenance District has confirmed that adequate sewer capacity and hookups are available to serve the additional parcels created by this subdivision.

Regarding the Exception to Subdivision Design Requirements, Find:

18. That there are special circumstances or conditions affecting the property, in that the site of the proposed development is larger and less intensely used than other properties in the neighborhood and therefore provides a good opportunity to provide appropriate infill development that is consistent with the North Fair Oaks Community Plan and Housing Element.

19. That the exception is appropriate for the proper design and/or function of the subdivision in that the subdivision is designed around a shared private drive that reduces the amount of impervious surface, reduces the prominence of parking as viewed from the street, and allows the site to function as four single-family dwellings on four individual lots.
20. That the granting of the exception will not be detrimental to the public health, safety or welfare or injurious to other property or uses in the area. There is no evidence to suggest that the subdivision will be detrimental or injurious. The use and intensity of development proposed is similar to the surrounding neighborhood. The project conforms to General Plan Policies and PUD requirements discussed above, which have been established to protect public health, safety and welfare.

### **RECOMMENDED CONDITIONS OF APPROVAL**

#### **Current Planning Section**

1. This approval applies only to the proposal as described in this report and plans as reviewed by the Planning Commission. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. This subdivision approval is valid for two years, during which time a final map shall be filed. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning Department upon written request and payment of any applicable extension fees, if required, sixty (60) days prior to expiration.
3. Prior to recordation of the parcel map, the applicant shall pay to the San Mateo County Planning and Building Department in-lieu park fees based upon the assessed value of the project parcel at the time of recordation of the parcel map as required by County Subdivision Regulations, Section 7055.3.
4. Prior to the issuance of a building permit for any future construction, the applicant shall provide an erosion and sediment control plan, which demonstrates how erosion will be mitigated during the construction period. This mitigation will be in place at all times during construction.
5. During any future project construction, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.

- b. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled spoils and other materials shall be covered with a tarp or other waterproof material.
  - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - d. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - e. Limiting and timing applications of pesticides and fertilizers to avoid polluting runoff.
6. Heating, Ventilation, and Air Conditioning equipment may not be located within 5 feet of the project's side exterior property lines, nor within 20 feet of the project's front and rear property lines.
7. **Mitigation Measure 1:** The applicant shall require construction contractors to implement all the BAAQMD's Basic Construction Mitigation Measures (for dust control), listed below:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be

checked by a certified mechanic and determined to be running in proper condition prior to operation.

- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
8. **Mitigation Measure 2:** Prior to issuance of a building permit for any building to be constructed on the parcels resulting from this proposed subdivision, the applicant shall submit a tree protection and replacement plan for the affected parcel. The tree protection plan must be prepared by a certified arborist. The trees removed must be replaced with species appropriate for the climate and location and minimum 5-gallon size stock. The approved tree replacement plan shall be implemented before the issuance of Certificates of Occupancy for any buildings constructed on the parcels.
9. **Mitigation Measure 3:** The applicant shall incorporate a note on the first page of the construction plans stating that, should archaeological resources be encountered during grading or construction, work shall immediately be halted in the area of discovery and the applicant shall immediately notify the Planning and Building Department of the discovery. The applicant would then be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery, as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating would be borne solely by the applicant. The archaeologist would be required to submit a report of the findings and methods of curation or protection of the resources to the Planning and Building Department for review and approval. No further grading or site work within the area of discovery would be allowed until the preceding has occurred.
10. **Mitigation Measure 4:** The following shall be printed on the first page of the construction plans: In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the County Coroner must be contacted immediately. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner determines that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission within 24 hours.
11. **Mitigation Measure 5:** Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operation shall be prohibited on Sunday and any national holiday.



## Department of Public Works

12. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the plans and submitted to the Department of Public Works for review and approval.
13. Prior to the issuance of the building permit or planning permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
14. Should the access shown on the plans go through neighboring properties, the applicant shall provide documentation that "ingress and egress" easements exist providing for this access, prior to issuance of a building permit or recordation of map (if any).
15. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
16. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
17. Future development of any and all parcels resulting from the approved subdivision must be as shown on the approved improvement plans. For future structures to be built on the individual parcels, prior to the issuance of a building permit for any structure on the project site, all plans shall be reviewed by the Planning Department for conformance with this condition.

For future additions of impervious surfaces to be built on the individual parcels, prior to the issuance of a building permit for any structure on the project site, all plans shall be reviewed by the Planning Department in conformance with the latest Municipal Regional Permit (MRP) stormwater requirements such that the total impervious area for the subdivision does not exceed the allowed limits for a subdivision development.

18. Prior to recording the final map, the applicant will be required to submit to the Department of Public Works a complete set of improvement plans including all provisions for driveways, utilities, storm drainage, and stormwater treatment, all in accordance with the County Subdivision Regulations, County Standard Details, County Drainage Policy and NPDES permit. Improvement plans must be accompanied by a plan review deposit in the amount of \$1,000 made payable to the County of San Mateo Department of Public Works.
19. Upon the Department of Public Works' approval of the improvement plans, the applicant will be required to execute a Subdivision Improvement Agreement and post securities with the Department of Public Works as follows:
  - a. Faithful Performance – 100% on the estimated cost of constructing the improvements;
  - b. Labor and Materials – 50% of the estimated cost of constructing the improvements; and
  - c. Warranty – 50% of the estimated cost of constructing the improvements.
20. The applicant shall submit a parcel map to the Department of Public Works for review, to satisfy the State of California Subdivision Map Act. The final map will be recorded only after all conditions have been met.
21. The applicant shall submit written certification from the appropriate utilities to the Department of Public Works and the Planning and Building Department stating that they will provide utility (e.g., sewer, water, energy, communication, etc.) services to the proposed parcels of this subdivision.
22. The applicant shall record documents which address future maintenance responsibilities of any common facilities which may be constructed. For example, documents would address maintenance of all shared access easements. Prior to recording these documents, they shall be submitted to the Department of Public Works for review and prior to the issuance of a Certificate of Occupancy for the applicable parcel.

### Menlo Park Fire Protection District

23. The applicant shall install an NFPA 13-D fire sprinkler system in each house under a separate fire permit. The fire sprinkler system must comply with Menlo Park Fire Protection District standards.
24. The driveway and any vehicle gate shall have a minimum 20-foot clear, unobstructed linear width, and a minimum 13-foot 6-inch unobstructed vertical clearance. Driveways shall be an all-weather surface capable of supporting a 75,000-pound fire apparatus.
25. The applicant shall provide illuminated address numbers at least 4 inches in height and with a stroke of at least 1/2 inch. The address shall be visible from the street and shall contrast with its background. If lot addresses are assigned to Loyola, then provide a monument sign at the public street with address numbers.
26. The approved plans and approval letter must be on-site at the time of inspection.
27. Final acceptance of this project is subject to field inspection.

### Fair Oaks Sewer Maintenance District (Sewer District)

28. Each subdivided parcel must connect to the Sewer District main with an individual 4-inch sewer lateral.
29. Detailed plans showing the proposed sewer connections shall be submitted to the Sewer District for review prior to final approval of the building plans. The plans shall indicate the location of the existing and proposed sewer laterals.
30. The Sewer District records indicate that the property has one existing sewer connection. The Sewer District will allow the additional proposed connections providing that all associated fees are paid. The Sewer District will require the applicant to purchase additional sewer connections and obtain all appropriate permits for the installation of the connections. The fees for new sewer connections will be calculated based on the plans submitted prior to final approval of the building plans.

### California Water Service Company

31. One-inch meters are to be installed for each dwelling.