



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



**Date:** March 20, 2015  
**Board Meeting Date:** April 28, 2015  
**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 appeal of the decision of the Planning Commission to certify the Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, and approve a Minor Subdivision and exception to the lot design standards, pursuant to Section 7010 of the County Subdivision Regulations, to subdivide a 12,902 sq. ft. parcel into two new parcels, 5,123 sq. ft. and 7,325 sq. ft. in size, located at 2099 Sharon Road in the unincorporated West Menlo Park area of San Mateo County.

**RECOMMENDATION:**

Certify the Mitigated Negative Declaration, deny the appeal, and approve the exception to the lot depth requirement, and approve the Minor Subdivision, County File Number PLN 2012-00361, by making the required findings and adopting the conditions of approval listed in Attachment A.

**BACKGROUND:**

Report Prepared By: Steven Rosen, Project Planner, Telephone 650/363-1814

Appellant: Carin Marie Pacifico

Applicant/Owner: Shahram Zomorodi

Location: 2099 Sharon Road, West Menlo Park

APN: 074-091-540

Size: 12,902 sq. ft.

Existing Zoning: R-1/S-72 (Single-Family Residential/5,000 sq. ft. minimum lot size)

General Plan Designation: Medium Density Residential (6.1 to 8.7 dwelling units/acre)

Sphere-of-Influence: Menlo Park

Existing Land Use: Single-Family Residence

Water Supply: California Water District Company

Sewage Disposal: West Bay Sanitary District

FEMA Designation: Flood Zone X (Areas of Minimal Flooding), FEMA Panel No. 06081C0312E, effective date 2012.

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. See Section D of this report for further discussion.

Setting: The project site is located on the east corner of the intersection of Sharon Road and Alameda de las Pulgas. The 12,902 sq. ft. (0.30-acre) site includes one (1) one-story residence astride the proposed new property line. The site has numerous trees and hedges along the street frontages. The site is adjacent to single-family dwellings to the northeast and southeast and is across the street from single-family dwellings to the northwest and southwest. The neighborhood is characterized by single-family dwellings at a similar density to the proposed development and on similarly shaped lots to the proposed development.

## **DISCUSSION:**

### **A. PLANNING COMMISSION HEARING**

The Planning Commission heard the proposal at its February 11, 2015 hearing. It voted to certify the Mitigated Negative Declaration and approve the application, changing Mitigation Measure 2 to specifically require drought tolerant, non-invasive, native species of trees, and adding a Condition 11, regarding the storage and disposal of debris, construction equipment, and storage of construction vehicles.

### **B. APPEAL**

Ms. Carin Marie Pacifico appealed the Planning Commission's February 11, 2015 approval of the tentative subdivision map. The Basis for Appeal included seven points, each of which are addressed in detail by the staff report:

1. *The subdivision does not respect the standard for subdivision in this neighborhood, namely Harrison Court and Crocus Court—both of which provide substantial off-street parking from heavily trafficked local streets.*

The Subdivision Ordinance requires that new lots must have 20 feet of frontage on a public or private road. The Harrison Court and Crocus Court subdivisions are six-lot and four-lot subdivisions approved and recorded in 1958 and in 1962, respectively, that were designed around new dead-end roads. These roads were necessary to allow the division of the original lots into the number of lots desired by the subdivider.

The proposed subdivision at 2099 Sharon Road would result in two lots with adequate frontage on existing public roads. No new road construction is necessary for this subdivision.

Harrison Court is a County road. Crocus Court is a private road. These roads were built as part of subdivisions that created lots that could not gain access directly from existing public roads. These roads were built by the subdivider to the standards stipulated in the Subdivision Regulations. These roads were designed to provide these subdivisions with on-street parking.

The Subdivision Regulations mandated that Harrison Court provide a 50-foot right-of-way with curbs, gutters, and sidewalks on both sides. The width from curb-to-curb is mandated to be 36 feet, which provides on-street parking. It was also required to provide a vehicle turning area at the end with a minimum diameter of 75 feet, unless on-street parking were prohibited. This turning area provides Harrison Court residents and guests with on-street parking on this public street.

The Subdivision Regulations mandated that Crocus Court provide access to the rear lots with at least 16 feet of road surface and an adequate turn-around area. This turnaround area is 75 feet in diameter, as required. Crocus Court meets the standards of the Subdivision Regulations and provides Crocus Court residents and guests with on-street parking on this private street.

The proposed subdivision does not entail construction of any new roads, public or private, but does maintain the existing right-of-way on Sharon Road and will provide sidewalk improvement within the right-of-way of Alameda de las Pulgas. Both of these public rights-of-way currently allow on-street parking for the benefit of the entire neighborhood. This subdivision would reduce the amount of curb parking available to the neighborhood by the width of one two-car driveway, or one space.

The two lots that would be created by this proposal would be subject to the Zoning Regulations' parking requirements, which are the same requirements that apply to the entire neighborhood, including the subdivisions of Harrison Court and Crocus Court. Single-family dwellings with two or more bedrooms must provide two covered parking spaces. Conceptual plans

submitted by the subdivider show that these can be provided on the proposed lots. Additionally, the 20-foot front setback required by the R-1/S-72 Zoning District is an adequate distance between the front property line and the covered parking to be used as additional off-street parking.

2. *The subdivision does not respect the R-1-U zoning that prevails in Menlo Park areas both east and west of neighborhood and the neighborhood is working to incorporate into Menlo Park. Creating substandard lots may prejudice that decision.*

Neighbors have contacted the City of Menlo Park and the Local Agency Formation Commission regarding annexing this portion of West Menlo Park to the City of Menlo Park. The city's zoning designations do not apply, and would not apply unless the Menlo Park City Council votes to pre-zone the area to prepare it for annexation. Unless this happens, San Mateo County's Zoning Regulations and Subdivision Ordinance apply.

Currently, the minimum parcel size in the area is 5,000 sq. ft. The City of Menlo Park zoning districts adjacent to this portion of West Menlo Park are R-1-S (minimum parcel size: 10,000 sq. ft.) and R-1-U (minimum parcel size: 7,000 sq. ft.). This subdivision application proposes creating lots of 5,123 sq. ft. and 7,325 sq. ft. in size. While one of the proposed two lots does not comply with Menlo Park's R-1-U zoning, the appellant's citing of this fact is not relevant to the application currently being considered for the reasons discussed.

Attachment G of this staff report shows all parcels within a quarter mile of the project site. Of the 484 parcels within a quarter mile of the project site, 246 are less than 7,000 sq. ft. in size. This subdivision would not be unusual in the area, given that 51% of the parcels in the area are less than 7,000 sq. ft. Of the 289 unincorporated parcels within a quarter mile of the site, 196 are less than 7,000 sq. ft. in size. A full 68% of the parcels in the unincorporated area are less than the minimum parcel size required by Menlo Park's Zoning Code. Of the 195 parcels already within the city limits of Menlo Park, 50, or 26%, are less than 7,000 sq. ft. in size. The size of the 5,123 sq. ft. parcel that would be created by this proposal would not be unusual or atypical in this area.

3. *Sharon Road is unsafe for pedestrians at current density but no review has been done of amenities and improvements needed by the neighborhood before more infill is done.*

Sharon Road is developed without curbs, gutters, or sidewalks within an area whose General Plan's designation is Medium Density Residential (6.1 to 8.7 dwelling units/acre). The proposed subdivision would not result in the site or the neighborhood exceeding this density.

This subdivision's conditions of approval will require the construction of a curb, gutter, and sidewalk on Alameda de las Pulgas, which would continue the existing improvements on the adjacent street frontage. Alameda de las Pulgas is generally already improved to this level.

However, pursuant to the Subdivision Regulations (Section 7022, Table 3.1), the County typically only requires curbs, gutters, and sidewalks on subdivisions where new public roads are created. While in the past, road improvements have been required with private road subdivisions, the project subdivision does not create any new private roadways. Further, the Subdivision Regulations do not mandate—nor does the County Department of Public Works require—that a new subdivision within an existing block require the subdivider to install such improvements along all private or public roads within and around that block.

Therefore, requiring this applicant to provide the neighborhood with curbs, gutters, sidewalks, and the road improvements that these would entail is out of proportion with the project's impact on the area. Further, the Department of Public Works does not support the installation of sidewalks along Sharon Road, which would result in an isolated island of infrastructure, detracting from the character that comprises the street this portion of the neighborhood.

4. *Planning Department argued that sidewalks would “change the character of Sharon Road,” but argued that two oversized (4,000 sq. ft.) houses with the side setback facing the Alameda would NOT change the character of the neighborhood.*

The largest houses that could be constructed on the proposed lots are 2,832 sq. ft. in size and 3,404.5 sq. ft. in size. The Planning Commission, who considered the zoning and resultant house size allowed on the two lots, found that the subdivision conforms to the policies of the General Plan regarding visual quality and neighborhood character.

5. *The developer plans to insert two driveways within 100 feet of a busy intersection. Driveway is exactly where La Entrada School bus stops. Nevertheless, the Planning Department refused to consider a sidewalk requirement on the Sharon side of the property. At a similar corner facing Santa Cruz Avenue, a corner sidewalk was required. No effort has been made to incorporate “Safe Routes to School” recommendations despite multiple neighbor appeals.*

The Department of Public Works reviewed the tentative subdivision map and determined that the locations of the proposed driveways meet its standards for safety. The proposal does continue the existing sidewalk

along Alameda de las Pulgas, extending it to and around the corner, where it ends in order to match the existing improvements on Sharon Road.

The Las Lomitas School District and Sequoia High School District did not express any concern about safety at school bus stops in response to referrals about this subdivision. Las Lomitas School District has bus stops a block away from the site, at the corner of Lucky Avenue and Sharon Road, and on Sharon Road on the far side of Alameda de las Pulgas from the site. The Transportation Supervisor of Las Lomitas School District, Joyce Massaro, inspected the site, reviewed the District's bus routes, and determined that the subdivision, addition of a driveway, and construction of two houses would not impact the safety of children at the District's bus stops or interfere in the operations of the buses.

Additional changes to the neighborhood's road, sidewalk, and drainage infrastructure must be decided through the Department of Public Works' process which, if approved, would result in the affected area being assessed for the improvements.

6. *Neighbors have requested that a community planning document or "Master Plan" be created for West Menlo Park before further subdivision is allowed. The neighborhood is unhappy that Mr. Rodine and his clients are, in fact, planning our neighborhood, despite their not even being residents in the County.*

The County's General Plan is the community planning document for the area, describing the Board of Supervisors' long-range plan for the area. The Planning Commission reviewed the project and found that this proposal follows and implements the policies of the General Plan. The proposal's relation to the policies of the General Plan is discussed in Section C.1 of this report.

Most lots in the community of West Menlo Park are already developed, and there is limited potential for additional subdivisions or intensified development. The Department of Public Works has a process for studying and financing necessary street maintenance and improvement projects. Thus, there is not a need to develop a Master Plan for the area.

7. *If subdivision is allowed, the plan should still reflect neighborhood character, misleading orientation of houses, landscaping, privacy considerations. With the "side" of a new house just 5 feet from a neighbor, the house will loom over the neighboring house substantially reducing its property value. That should be unacceptable—setbacks are there for a reason.*

The S-72 Zoning District requires minimum setbacks of 20 feet in the front, 20 feet in the rear, 10 feet on corner sides, and 5 feet on interior sides.

Thus, the closest new houses on these lots could ever be to another house is 10 feet. This would occur where two interior side setbacks abut each other. The minimum interior side setback is 5 feet. The resulting separation (from house wall to house wall) would be 10 feet, like all other lots in the neighborhood.

The Zoning Code defines front, rear, and side lot lines. The front property lines of these lots will be on Sharon Road. Houses built on these lots would be set back at least 20 feet from Sharon Road. The rear property lines of these lots would be opposite Sharon Road, perpendicular to Alameda de las Pulgas. Houses built on these lots would be at least 20 feet from this property line. This is the side property line of the adjacent house, so the houses would be at least 25 feet apart from each other. This would be greater than the current minimum allowed of 10 feet. The property line forming the boundary between the proposed new lot and Alameda de las Pulgas would be the corner side lot line. The house built on this lot would be at least 10 feet from this property line. The interior side property lines—those perpendicular to the Sharon Road right-of-way boundary that are not the Alameda de las Pulgas boundary—would have setbacks of 5 feet. The closest houses on the new lots could be to each other and to a house at 2051 Sharon Road would be 10 feet.

## C. KEY ISSUES

### 1. Compliance with the General Plan

The County General Plan designates this area as Medium Density Residential, 6.1 to 8.7 dwelling units per acre. The proposed density, after subdivision, would be approximately 6.75 dwelling units per acre, which is within the range allowed. The specific density standards for the site are applied through the Zoning Regulations, and the subject property is consistent with those standards as discussed in Section C.2 of this staff report.

Policy 1.23 (*Regulate Location, Density, and Design of Development to Protect Vegetative, Water, Fish, and Wildlife Resources*) 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. Since it is a developed urban area, no significant natural resources would be impacted.

Policy 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) 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 pollutants and bare soil off-site. In addition, Condition of Approval No. 6 requires that construction contractors implement all the Bay Area Air Quality Management District's Basic Construction Mitigation Measures for dust control.

Policy 4.28 (*Trees and Vegetation*) directs the County to: preserve trees and natural vegetation except where removal is required for approved development or safety; 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 provide special protection to large and native trees. This project entails the removal of six significant trees. The trees would be removed to accommodate the development of a single-family dwelling on each lot. A report prepared by Kevin Kielty, Certified Arborist WE#0476A, states that the trees to be removed are in moderate health. Condition of Approval No. 9 requires the replacement of these trees with six trees of drought-resistant species that will thrive in the soil and climate of the site. The report also includes tree protection measures that would be incorporated into the Construction Erosion and Sediment Control Plan included with building permit plan sets. One tree determined to be dead has already been removed.

Policy 5.21 (*Site Treatment*) 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. Condition of Approval No. 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.

The subdivision complies with General Plan (GP) Policy 8.13 (*Appropriate Land Use Designations and Locational Criteria for Urban Unincorporated Areas*) in that this portion of unincorporated West Menlo Park has a GP Land Use Designation of Medium Density Residential (6.1 to 8.7 dwelling units/net acre). The proposed residential subdivision does not exceed this density and this area is correspondingly zoned "Single-Family Residential/5,000 sq. ft. Minimum Lot Size" (R-1/S-72), with which the proposed project is in compliance relative to lot size (the new lots will exceed 5,000 sq. ft.).



Policy 8.29 (*Infilling*) encourages the infilling of urban areas where infrastructure and services are available. The site is within a neighborhood of single-family dwellings on lots between 5,000 sq. ft. and 8,000 sq. ft. in size. Both the applicable water and sanitary districts have adequate capacity to provide respective service to the additional parcel proposed via this subdivision and any subsequent development. Additionally, Sharon Road and Alameda de las Pulgas are existing improved streets, maintained by the County Department of Public Works. The proposed subdivision represents infill of an urban area, and the proposed parcel sizes are in compliance with the minimum parcel size (5,000 sq. ft.) required in this zoning district.

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.

In response to Part 1 of the policy, the proposed parcels exceed the minimum size for the zoning district and have adequate land and services available to support the development of single-family dwellings.

In response to Part 2 of the policy, the neighborhood is characterized by lots of similar sizes and of similar proportions. Over half of the parcels within a quarter mile of the site—in both the unincorporated area and in the City of Menlo Park—have lots that are less than 7,000 sq. ft. in size. The application requires the granting of an exception to the minimum 100-foot lot depth design standard. There are 37 parcels within a quarter mile of the site that have a lot depth of less than 100 feet. (The parcels are listed in the discussion of the development's qualification for this exception.)

In response to Part 3 of the policy, the new parcels would be proportioned such that they can be developed in a safe manner, with driveway access that will meet Department of Public Works standards and provide an improved sidewalk on Alameda de las Pulgas.

In response to Part 4 of the policy, development on the resulting lots would be held to the standards as all other development within this zoning district. Because the type and intensity of development proposed by the applicant is consistent with the surrounding properties, there would be no significant loss of property values.

Policy 16.12 (*Regulate Noise Levels*) 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. 8, 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.

Policy 17.15 (*Reduce Air Pollutants, Odors and Dust from Stationary Sources by Regulating Land Use Development*) 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. 6 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. Compliance with the Zoning Regulations

The proposed parcels exceed the minimum lot size (5,000 sq. ft.) and lot width (50 feet) requirements of the R-1/S-72 Zoning District. The existing house is to be demolished as part of the proposed subdivision. The subdivision map included in the application shows that the lots are sized to provide building envelopes large enough to accommodate a single-family dwelling on each lot. Any future development on the newly created parcels must meet all other R-1/S-72 development requirements.

3. Compliance with the Subdivision Regulations

The proposed minor subdivision has been reviewed by staff with respect to regulations of the County Subdivision Regulations. The County's Building Inspection Section, Environmental Health Division, and Department of Public Works, as well as the California Water Service Company, West Bay Sanitary District, and the Menlo Park Fire Protection District, have reviewed the project. The subdivision, as proposed, adheres to all subdivision design requirements, with the exception of the minimum lot depth requirement. 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. Indicated below are the required findings for this proposed subdivision:

Qualification for an Exception to Subdivision Design Standards

Section 7020.2.k of the County Ordinance Code (Subdivision Regulations) allows the County to grant an exception to the parcel design requirements of the Subdivision Regulations. Specifically, it allows exceptions to the minimum lot depth standard of 100 feet on certain corner lots. It reads:

*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 Subdivision Regulations were amended to add this exception by the Board of Supervisors on October 21, 2014. This amendment went into effect on November 21, 2014.

At the public hearing held on February 11, 2015, the Planning Commission voted to grant this exception, finding:

- 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.**

There are no special circumstances or physical conditions such as steep slopes or utility easements that affect this project site. However, the exception is necessary for the preservation and enjoyment of substantial property rights. The site is located in a neighborhood that allows 5,000 sq. ft. lots. The minimum lot depth standard would otherwise prevent this lot, which is over twice the minimum parcel size, from being divided in a manner that would be allowed in the S-72 Zoning District. This would deny the owner/subdivider rights enjoyed by the owners/subdividers of the other lots in the neighborhood in that there are 37 lots within a quarter mile that have a lot depth of less than 100 feet. These lots are listed in the following table and shown in Attachment E.

Parcel Number	Address
074-053-150	1920 Avy Avenue
074-053-160	1950 Avy Avenue
074-054-140	1980 Avy Avenue
074-054-150	1990 Avy Avenue
074-081-120	1082 Lucky Avenue
074-081-130	2045 Avy Avenue
074-081-140	2035 Avy Avenue
074-081-150	2031 Avy Avenue
074-082-010	2061 Avy Avenue
074-082-150	2071 Avy Avenue
074-082-170	3663 Alameda de las Pulgas

Parcel Number	Address
074-082-180	2070 Liberty Park Avenue
074-082-190	2050 Liberty Park Avenue
074-084-010	931 Cloud Avenue
074-084-140	980 Lucky Avenue
074-084-220	2015 Liberty Park Avenue
074-084-230	2011 Liberty Park Avenue
074-084-240	998 Lucky Avenue
074-091-120	2056 Santa Cruz Avenue
074-091-190	10 Harrison Way
074-091-200	20 Harrison Way
074-091-220	25 Harrison Way
074-091-230	15 Harrison Way
074-091-240	5 Harrison Way
074-091-370	4 Crocus Court
074-091-440	6 Crocus Court
074-091-510	2029 Sharon Road
074-091-550	3863 Alameda de las Pulgas
074-091-560	3841 Alameda de las Pulgas
074-091-580	3867 Alameda de las Pulgas
074-091-590	3853 Alameda de las Pulgas
074-091-630	2007 Sharon Road
074-093-020	709 Vine Street
074-093-190	700 Stanford Avenue
074-093-230	299 Leland Avenue
074-093-240	301 Leland Avenue
074-094-060	302 Leland Avenue

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

The subdivision provides adequate space for buildings and yards. It provides adequate street frontage for vehicular access, and the lot on the corner provides adequate width to allow a driveway far enough from the street corner to meet the Department of Public Works' minimum distance requirements. Its function is two single-family dwellings on two individual lots. It allows the development of the parcels with similar uses 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. There are several lots in the immediate area that are less than 100 feet in depth, as shown in Attachment E and discussed previously in this staff report. The project conforms to General Plan Policies and Subdivision Regulations findings as discussed in this staff report. These regulations are designed to protect public health, safety and welfare.

#### Required Findings for a Subdivision Approval

At the public hearing held on February 11, 2015, the Planning Commission voted to approve this subdivision, finding:

- a. **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 to be 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 C.1 of this report.

The applicant shall provide for the extension of existing sewer, water, gas, electric, cable and television lines to service the new parcels. Sewer, water, and gas lines will be run underground to each of the lots. Extension of electric, cable and television lines to Lots A and B will be overhead. There are no policies directing the Planning Department to require the "undergrounding" of utilities in this area. Water will be provided to the parcels by the California Water Service Company, sewer services by the West Bay Sanitary District, storm drainage services by the County of San Mateo, fire protection services by the Menlo Park Fire Protection District, telephone services by AT&T, and gas and electric services by Pacific Gas and Electric. The Las Lomas Elementary School District reviewed the project and found that it would not impact its schools.

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

This site is physically suited for single-family residential development for the following reasons: (1) the proposed parcels conform to the minimum parcel size requirements of the R-1/S-72 Zoning District;

(2) both proposed parcels include ample building envelopes within which a residence could be constructed; (3) the County has received documentation that the new parcel can be served by water and sewer facilities; and (4) access to both parcels can be safely provided.

- c. **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.**

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 six trees are proposed to be removed, other mature trees will remain and will be protected from future construction. The trees approved for removal may not be removed until the permits for development of the site have been issued. Condition of Approval No. 7 requires the replacement of the removed trees in accordance with the San Mateo County Significant Tree Ordinance.

- d. **That the design of the subdivision or 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.**

There are no other easements located on either of the proposed parcels. Individual driveway access to each parcel will be from Sharon Road, an existing County-maintained roadway. All necessary utilities, required for development, exist within the roadway right-of-way. Thus, no utility easements are required.

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

The proposed subdivision, as designed, can make use of passive heating and cooling. The two building locations are on a northeast-southwest line, meaning that they will not shade each other in winter or summer. This 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 West Bay Sanitary District has confirmed that adequate sewer capacity and hookups are available to serve the additional parcel created by this subdivision. The discharge of waste into the existing community sewer system will not result in any violations of existing RWQCB requirements.

4. Compliance with In-Lieu Fees

Section 7055.3 requires that, as a condition of approval of the tentative map, the subdivider will be required to dedicate land or pay a fee in lieu of dedication for the purposes of acquiring, developing, or rehabilitating County park and recreation facilities and/or assisting other providers of park and recreation facilities in acquiring, developing or rehabilitating facilities that will serve the proposed subdivision. The Section further defines the formula for calculating this fee. The anticipated fee for this subdivision is \$32,176.14 for in-lieu park fees. A worksheet showing the computation methodology is included in Attachment D. However, the final fee shall be based upon the assessed value of the project parcel at the time of recordation of the parcel map.

D. ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration were prepared for this project and circulated for public comment from December 27, 2014 to January 16, 2015. Comments received during the comment period were addressed at the February 11, 2015 Planning Commission hearing. The Planning Commission found that construction air pollutant emissions, tree removal, and construction noise were found to be significant impacts unless mitigated. These impacts are described in Attachment F, and measures to mitigate these impacts are included as Conditions of Approval Nos. 6-8 in Attachment A.

E. REVIEWING AGENCIES

Department of Public Works  
Building Inspection Section  
Menlo Park Fire Protection District  
Environmental Health Division  
Las Lomas Elementary School District

Sequoia High School District  
West Bay Sanitary District  
California Water Service Company

County Counsel has reviewed and approved the subdivision application as to form.

The denial of this appeal contributes to the 2025 Shared Vision outcome of a Livable Community in that it would create a housing unit within walking distance of an elementary school and a middle school. This would reduce vehicle trips per household and make walking to school feasible for an additional family.

**FISCAL IMPACT:**

The proposed subdivision would create one additional lot in an area already developed with public infrastructure. The creation and development of this lot would result in a slight increase to the County's property tax revenue.

**ATTACHMENTS:**

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Tentative Subdivision Map
- D. In-Lieu Park Fee Worksheet
- E. Neighborhood Map
- F. Mitigated Negative Declaration
- G. Menlo Park Lot Size Map
- H. Appeal Application Form



COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 2012-00361

Board Meeting Date: April 28, 2015

Prepared By: Steven Rosen  
Project Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS:**

For the Environmental Review, Find:

1. That the Board of Supervisors does hereby find that this 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, as mitigated, 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 are in conformance with the California Public Resources Code Section 21081.6.

For the Minor Subdivision, Find:

5. 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 in that it conforms to the Land Use Map and the policies of the General Plan.
6. That the site is physically suitable for the proposed type and density of development because: (1) the proposed parcels conform to the minimum parcel size requirements of the R-1/S-72 Zoning District; (2) both proposed parcels include ample building envelopes within which a residence could be constructed; (3) the County has received documentation that the new parcel can be served by water and sewer facilities; and (4) access to both parcels can be easily provided.

7. 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 or wildlife or their habitat in that there is no evidence to suggest that the project, as conditioned, will create a public health problem or cause substantial environmental damage. The project is infill development in an urban area where no impact to natural resources would occur. A mitigation measure requires the replacement of significant trees.
8. That the design of the subdivision or 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. There are no other easements located on either of the proposed parcels. Individual driveway access to each parcel will be from Sharon Road, an existing County-maintained roadway. All necessary utilities, required for development, exist within the roadway right-of-way. Thus, no utility easements are required.
9. That the design of the subdivision provides, to the extent feasible, for future passive natural heating or cooling opportunities. The proposed subdivision, as designed, can make use of passive heating and cooling. The two building locations are located on a northeast-southwest line, meaning that they will not shade each other in winter or summer. This will allow the homeowners to choose whether or not to use passive solar heating methods.
10. 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 residential homes and not violate requirements of the RWQCB in that the West Bay Sanitary District has confirmed that adequate sewer capacity and hookups are available to serve the additional parcel created by this subdivision, so the discharge of waste into the existing community sewer system will not result in any violations of existing RWQCB requirements.

For the Exception to the Minimum Lot Depth Standard, Find:

11. That the exception is necessary for the preservation and enjoyment of substantial property rights of the owner/subdivider in that the site is located in a neighborhood that allows 5,000 sq. ft. lots and is developed with 37 other lots within a quarter mile with a lot depth of less than 100 feet.
12. That the exception is appropriate for the proper design and/or function of the subdivision in that the subdivision provides adequate space for buildings and yards, adequate street frontage for vehicular access, and the lot on the corner provides adequate width to allow a driveway far enough from the street corner to meet the Department of Public Works' minimum distance requirements.

13. 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 in that 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, and in that the use and intensity of development proposed is similar to the surrounding neighborhood.

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Current Planning Section**

1. This subdivision approval is valid for two years, during which time a parcel map shall be recorded. An extension to the time period, pursuant to Section 7013.5 of the County Subdivision Regulations, may be issued by the Planning Department upon written request and payment of any applicable extension fees.
2. A building permit shall be applied for and obtained from the Building Inspection Section prior to demolishing the existing houses and sheds. These structures shall be demolished prior to recordation of the parcel map.
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 application of pesticides and fertilizers to avoid polluting runoff.
6. **Mitigation Measure 1:** The applicant shall require construction contractors to implement all the Bay Area Air Quality Management District's Basic Construction Mitigation Measures, 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 the 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.
7. **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 replacement plan for the affected parcel. Said plan shall utilize drought tolerant, non-invasive, native species and use 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.

8. **Mitigation Measure 3:** 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.
9. No trees other than the six (6) authorized for removal by this condition, named in the tree survey received by the Planning Department on November 10, 2014, and as shown on the tentative map to be within the improvement areas, shall be removed as part of this subdivision approval. Any additional tree removal related to this subdivision shall require that the applicant submit a separate tree removal permit application. Unless such removal is specifically required to complete improvements conditioned by this approval, any such tree removal shall be delayed until such time as a building permit has been issued for a single-family residence. A tree protection plan shall be shown on the development plans in conjunction with the construction erosion and sediment control plan. The applicant shall establish and maintain tree protection zones throughout the entire length of the project. Tree protection zones shall be delineated using 4-foot tall orange plastic fencing supported by poles pounded into the ground, located as close to the driplines as possible while still allowing room for construction to safely continue. The trees shall be replaced with six trees of a drought-tolerant species appropriate to the climate and soil of this part of urban San Mateo County.
10. The applicant shall ensure that if, during demolition or construction, any evidence of archaeological traces (human remains, artifacts, concentration of shale, bone, rock, ash) is uncovered, then all construction and grading within a 30-foot radius shall be halted, the Planning Department shall be notified, and the applicant shall hire a qualified archaeologist to assess the situation and recommend appropriate measures. Upon review of the archaeologist's report, the Community Development Director, in consultation with the applicant and archaeologist, will determine steps to be taken before demolition or construction may continue.
11. To reduce the impact of construction activities on neighboring properties, comply with the following:
  - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.

- b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
- c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access. There shall be no storage of construction vehicles in the public right-of-way.

#### Department of Public Works

12. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed subdivision 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 of the property being subdivided 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 street improvement 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. 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.
15. 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.

16. The applicant shall submit to the Project Planner, for recordation, legal descriptions of the reconfigured parcels and street dedication. The Project Planner will review these descriptions and forward them to the Department of Public Works for approval.
17. 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 roadways, driveways, utilities, storm drainage, and stormwater treatment, all in accordance with the County Subdivision Regulations, County Standard Details, County Drainage Policy and National Pollutant Discharge Elimination System (NPDES) permit. Improvement plans must be accompanied by a plan review deposit in the amount of \$1,000.00 made payable to the County of San Mateo Department of Public Works.

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.
18. The applicant shall submit a parcel map to the Department of Public Works County Surveyor for review, to satisfy the State of California Subdivision Map Act. The final map will be recorded only after all Inter-Department conditions have been met.
19. The applicant shall dedicate or make an irrevocable offer of dedication of land along the Alameda de las Pulgas needed for sidewalks and other public uses as shown on the approved tentative map.
20. 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.

#### West Bay Sanitary District

21. A conforming property line cleanout within 5 feet of the property line on Sharon Road will be required for both parcels. A Class 1A permit will be required for any work done from the property line to the main sewer connection including the installation of a property line cleanout.

22. If the existing lateral(s) is/are to be reused, then the existing lateral(s) must be televised and the tape submitted to the District for review and approval prior to any reuse. A Class 1A permit will be required for the installation of the cleanout and the review of the television tape.
23. If the existing building is to be demolished, then the developer must obtain a Class 4 permit(s) to disconnect the lateral(s) from the District's system at the property line.
24. Both laterals must be 4-inch in diameter and must maintain a minimum 2% slope from the conforming cleanout to the sewer main.
25. The building laterals from the residence to the property line cleanout must meet the requirements of the San Mateo County Building Inspection Section.
26. No pool drains, roof gutters, surface drainage, and groundwater sump pumps are allowed to connect to the sanitary sewer.
27. The developer/contractor must comply with all current District regulations and standards.
28. The developer must submit a copy of the final recorded map to the District with associated assessor parcel numbers and maps.
29. Note that the developer/contractor must obtain a Class 4 permit for each lateral prior to demolition (permit fee of \$145.00 each) and two Class 1A permits (\$250.00 each per application fee) prior to any work done to the lateral from the property line to the main sewer connection. The District's record for this parcel currently shows one residential unit, so an additional connection fee (\$7,336.20 connection fee) will be required for the second parcel. Please note that there are annual sewer service charges. The Class 1A Sewer Permits are applied for at the District's office at 500 Laurel Street in Menlo Park, Monday through Friday between 8:00 a.m. and 4:00 p.m.

#### California Water Service Company

30. If new water service lines are required, the applicant will bear the cost of installation. The configuration will be subject to review and approval by Cal Water.
31. New water service lines shall be separated from storm sewer facilities and sanitary sewer laterals by 10 feet or more. Water service lines shall be separated from electric, gas, and other underground utilities by 5 feet or more.
32. If new fire hydrants are required, the applicant will bear the cost of installation.