



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



**Date:** March 26, 2014  
**Board Meeting Date:** May 6, 2014  
**Special Notice / Hearing:** Newspaper/10-Day  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Jim Eggemeyer, Community Development Director

**Subject:** Public hearing to consider an ordinance amending Chapter 3 (*Design and Improvement Requirements*) of the County Subdivision Ordinance, pursuant to Section 66411 of the California Government Code, to modify the lot dimension requirements by eliminating the minimum lot depth standards in areas outside of the Coastal Zone.

**RECOMMENDATION:**

- A) Introduction of an ordinance amending the Subdivision Ordinance to modify Section 7020.2.c to strike the requirement for a 100-foot minimum lot depth in areas outside of the Coastal Zone, and waiver of reading the ordinance in its entirety.
- B) Certify the Negative Declaration as complete and correct by making the required findings in Attachment A.

**BACKGROUND:**

The applicant, Shahram Zomorodi, applied to subdivide a corner parcel that measures 12,902.6 square feet on the east corner of the intersection of Alameda de las Pulgas and Sharon Road. The proposed new lots meet the minimum lot size (5,000 sq. ft.) and width (50 ft.) requirements for the R-1/S-72 Zoning District and have adequate building envelopes to accommodate single-family residences, but the proposed new lots do not meet the minimum required lot depth of 100 feet. The Planning Department notified the applicant that this standard would prohibit the County from approving the subdivision. After conferring with staff, the applicant applied for a text amendment to the Subdivision Regulations to eliminate the 100-foot lot depth minimum.

The Planning and Building Department accepted Mr. Zomorodi's application to amend the Subdivision Ordinance on June 4, 2013. The Planning Department published its notice of intent to file a Negative Declaration on October 23, 2013. The Planning Commission first heard the proposal on December 11, 2013. On February 12, 2014,

the Commission recommended that the Board of Supervisors certify the Negative Declaration and approve the ordinance to amend Section 7020.2.c (*Lot Dimensions*) of the Subdivision Ordinance, to eliminate the minimum lot depth requirement for unincorporated areas outside of the Coastal Zone. Section 7020.2.c currently reads:

#### *Dimensions*

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

The amendment would strike the minimum lot depth requirement for areas outside of the Coastal Zone. If the amendment were approved, Section 7020.2.c would read:

#### *Dimensions*

*For areas **outside** of the Coastal Zone, the minimum width of each parcel shall conform to the requirements of the Zoning Regulations, but in no case shall be less than 50 feet, exclusive of rights-of-way or easements for road purposes. The minimum depth shall be as necessary to provide the minimum parcel size for the zoning district, but in no case shall be greater than three times the width, exclusive of rights-of-way or easements necessary for road purposes.*

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

The proposed amendment will not change the minimum lot size required by the applicable zoning districts, and it will not reduce the minimum lot size of 5,000 square feet required by Subsection 7020.2.b of the Subdivision Regulations. In no case would a subdivision be allowed to exceed the density designations on the General Plan Land Use Map.

An example of a lot that could be subdivided if this ordinance amendment is adopted is the applicant's lot (**right**). It



is large enough to be divided into lots that meet all standards except lot depth. The resulting lots exceed the minimum parcel size, exceed the minimum parcel width, provide adequate building areas, and meet the lot frontage and access requirements.

In analyzing the applicant's proposal, staff identified all unincorporated parcels (outside of the Coastal Zone) that are over twice the minimum parcel size for their respective zoning districts, but have dimensions that would prohibit their division under the current regulations.



It was determined that the proposal will affect 77 parcels as shown in the table below. This proposal could potentially allow the creation of 103 additional parcels: 101 in R-1 (single-family residence) zoning districts, and two in R-2 (two-family residence) zoning districts. The total number of parcels that could result if all 77 affected parcels were subdivided to their potential maximum would be 180. The analysis did not account for site-specific constraints that would reduce the potential for subdivision. The project analysis and environmental study assumed that 103 new additional parcels could be created.

	Existing Affected Parcels	Additional Parcels That Can Only Be Created If This Amendment Is Adopted	Total Parcels Possible After Subdivision If All Existing Affected Parcels Are Subdivided*
R-1 Parcels	76	101	177
R-2 Parcels	1	2	3
Total Parcels	77	103	180
*Eighteen lots are large enough to be subdivided into three lots. Four lots are large enough to be subdivided into four lots.			

## **DISCUSSION:**

### **1. Geographical Analysis Method**

Staff used the County's Geographic Information System (GIS) to identify all lots over twice the minimum parcel size for their respective zoning districts. Then, staff used the zoning parcel books to identify which parcels are constrained by the current requirement for a minimum 100-foot depth. Staff used only the lot line dimensions and street frontages given in these books. Staff did not account for any site-specific development constraints, such as slope or lack of utility infrastructure, so the realistic potential for subdivision of these parcels may be less than shown in the table above. The maximum potential was used in the

project analysis in order to ensure that the maximum possible impact was analyzed.

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

## 2. Conformance with General Plan Land Use Designations

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

Unincorporated Neighborhood or Community	General Plan Land Use Designation	General Plan Density	Potential Density Under Current Regulations (du/ac)	Potential Density With Proposed Amendment (du/ac)
Los Trancos Woods	LDR	0.3-2.3 du/ac	1.16	1.18
San Mateo Highlands	LDR	0.3-2.3 du/ac	1.84	1.89
Devonshire	MLDR	2.4-6.0 du/ac	1.74	1.80
Ladera	MLDR	2.4-6.0 du/ac	2.30	2.30
Palomar Park	MLDR	2.4-6.0 du/ac	3.40	3.45
San Mateo Highlands	MLDR	2.4-6.0 du/ac	3.88	3.93
West Menlo Park	MLDR	2.4-6.0 du/ac	3.50	3.51
Broadmoor	MDR	6.1-8.7 du/ac	5.41	5.42
Devonshire	MDR	6.1-8.7 du/ac	5.51	5.67
Sequoia Tract	MDR	6.1-8.7 du/ac	4.85	4.92
Weekend Acres	MDR	6.1-8.7 du/ac	4.93	5.02
West Menlo Park	MDR	6.1-8.7 du/ac	5.33	5.37
North Fair Oaks	(NFO) SFR	15-24 du/ac	5.67	5.68
North Fair Oaks	(NFO) MFR	24-60 du/ac	13.36	13.39

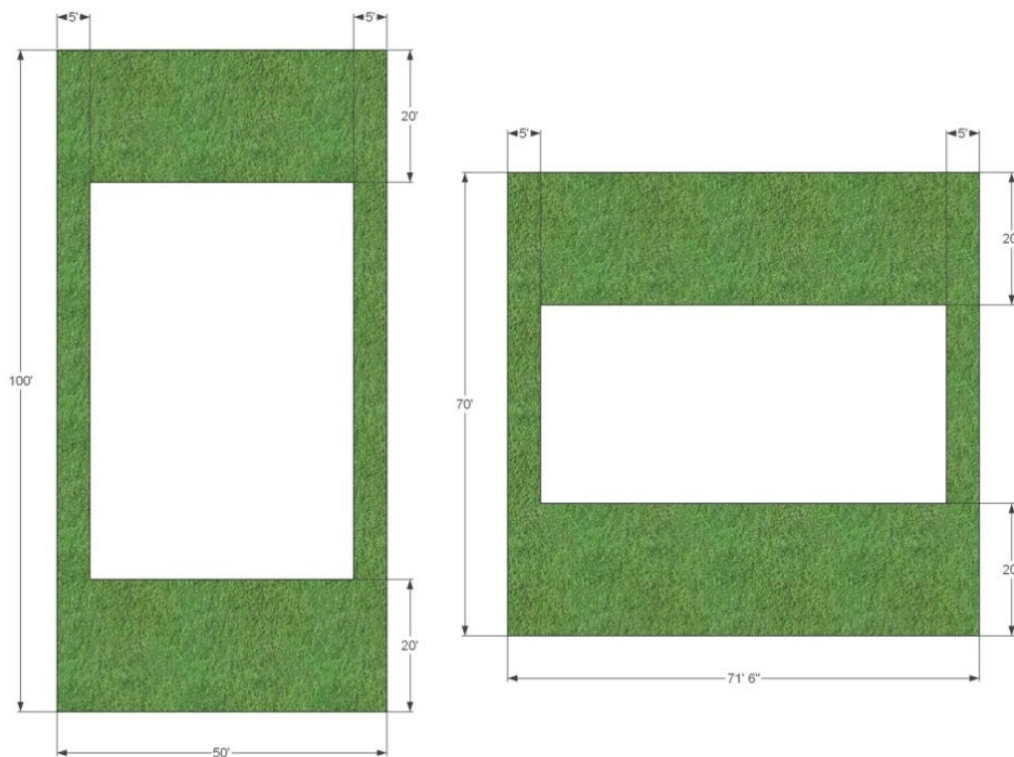
The table above is an exhaustive list of all unincorporated areas that could be affected by this proposal. If an unincorporated area is not listed in the above

table, it does not have any lots that could gain new development potential. In no case will the project cause an unincorporated community or neighborhood to exceed its maximum density. The greatest possible increase is in the Medium Density Residential portion of Devonshire, where potential density could increase by 0.16 dwelling units per acre.

### 3. Conformance to General Plan Policies

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

Policy 4.14.b (*Appearance of New Development*) directs the County to regulate land divisions to promote visually attractive development. The County regulates the size of houses with ratios based on lot sizes (lot coverage and/or floor area ratios). Parcels that are conspicuously larger than their neighboring parcels can have houses that are correspondingly larger than surrounding houses. This proposal would have the effect of allowing the division of previously undividable parcels (that are over twice the minimum parcel size for the neighborhood), which may discourage the construction of oversized houses by encouraging subdivision into smaller parcels that would have smaller houses.



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

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

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

Policy 4.35.b (*Urban Area Design Concept*) directs the County to ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality. This proposal will allow the division of remainder lots that stand out in their communities for being unusually large.

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

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

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

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

development standards and are approved at a public hearing through the subdivision review process.

#### 4. Regulatory Background

The minimum lot depth requirement was written into the regulations with the 1992 Subdivision Ordinance update. Prior to 1992, the only standard was for a maximum lot depth. The staff planner who drafted the requirement stated that the requirement for a minimum 100-foot depth comes about only because the minimum lot size is 5,000 square feet and the minimum lot width is 50 feet. Rather than being a purposeful regulation, it came from a result that a lot width requirement necessitated a lot depth requirement, and that the minimum lot depth requirement should naturally be the lot size requirement divided by the lot width requirement. The unincorporated neighborhoods and communities have many lots with depths of less than 100 feet that were created before the 1992 revision of the ordinance.

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

#### 5. Public Notification

The Planning Department advertised both the Planning Commission hearings and this hearing in the San Mateo Times. Notices for both hearings were sent to all owners of lots within 300 feet of lots identified as lots that could gain new subdivision potential. Additional notices were mailed to the affected property owners as well.

The Planning Department determined that adoption of this ordinance amendment would not significantly impact the environment. The Initial Study analyzed the plan-level impacts of this project. Planning staff circulated a Notice of Intent to Adopt a Negative Declaration on October 23, 2013. The comment period closed on November 22, 2013. The Planning Commission recommended that the Board of Supervisors certify the Negative Declaration on February 12, 2014.

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

#### **FISCAL IMPACT:**

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

#### **ATTACHMENTS:**

- A. Recommended Findings
- B. Initial Study/Negative Declaration
- C. Letter of Support from Committee for Green Foothills

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS**

Permit or Project File Number: PLN 2013-00221

Hearing Date: May 6, 2014

Prepared By: Steven Rosen  
Planning Staff

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS**

**Regarding the Negative Declaration, Find:**

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

**Regarding the Subdivision Ordinance Amendment, Find:**

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