



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

File #: 24-198

Board Meeting Date: 3/26/2024

Special Notice / Hearing: 10-day notice; news and website publication and 500 ft. radius

Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Director of Planning and Building

Subject: Consideration of the adoption of an Initial Study/Mitigated Negative Declaration, and approval of a General Plan Amendment, a Minor Subdivision, and a Grading Permit, to allow a 3-lot subdivision at 890 Upland Road, in the unincorporated Emerald Lake Hills area of San Mateo County.

County file number: PLN2022-00321 (Goswamy)

RECOMMENDATION:

Conduct a public hearing to consider the adoption of an Initial Study/Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, and approval of a General Plan Amendment, a Minor Subdivision, and a Grading Permit, to allow a 3-lot subdivision of a 44,721 sq. ft. single-family residential parcel at 890 Upland Road, in the unincorporated Emerald Lake Hills area of San Mateo County:

A) Open public hearing

B) Close public hearing

C) Recommendation to:

1. Adopt a resolution adopting the Mitigated Negative Declaration for the General Plan amendment, minor subdivision, and grading permit for the development of three residential lots at 890 Upland Road in the unincorporated Emerald Lake Hills area; and

2. Adopt a resolution amending the San Mateo County General Plan Land Use Map to change the land use designation of Assessor's Parcel Number 058-272-120 from "Low Density Residential" to "Medium-Low Density Residential," at 890 Upland Road in the unincorporated Emerald Lake Hills area; and

3. Approve the Minor Subdivision and Grading Permit, County File Number PLN2022-00321, by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND:

Proposal: The applicant proposes a 3-lot subdivision of a 44,721 sq. ft. single-family residential parcel, with proposed lot sizes of 12,010 sq. ft., 19,023 sq. ft. (net size: 14,926 sq. ft.), and 13,687 sq. ft. (net size: 13,536 sq. ft.) at 890 Upland Road, in the unincorporated Emerald Lake Hills area of San Mateo County, including removal of a 54-inch diameter at breast height (dbh) Heritage valley oak tree (Tree No.3), as well as 9 other significant trees, for a total of 935 cubic yards (c.y.) of cut needed for driveway improvements.

Report Prepared By: Camille Leung, Senior Planner

Applicant/Owner: Paul Goswamy

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 500 feet of the project parcel, and a notice for the hearing posted in the San Mateo County Times and on the Planning and Building Department's website.

Location: 890 Upland Road at Foss Drive, located in the unincorporated Emerald Lake Hills area of San Mateo County.

APN/Size: 058-272-120; 44,721 sq. ft. parcel (1.027 acres)

Existing Zoning: Residential Hillside District/Design Review District (RH/DR)

General Plan Designation: Low Density Residential; Urban

Sphere-of-Influence: City of Redwood City

Existing Land Use: Single-Family Residential

Water Supply: An Outside Service Agreement(s) for two (2) new water connections (existing house has a water connection) is proposed and is subject to the approval of Local Agency Formation (LAFCo) and the City of Redwood City.

Sewage Disposal: An Outside Service Agreement(s) for three (3) new sewer connections is proposed and is subject to the approval of LAFCo and the City of Redwood City.

Flood Zone: Flood Zone X (area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level), per FEMA Panel No. 06081C0282E, effective October 16, 2012.

Environmental Evaluation: An Initial Study/Mitigated Negative Declaration was prepared and circulated for public review from October 19, 2023 to November 19, 2023.

Setting: The property is located within an existing residential neighborhood and adjoins developed parcels on all sides. The property slopes upward from Upland Road with an average slope of

approximately 12 percent.

Chronology:

<u>Date</u>	<u>Action</u>
1920	- Existing residence built.
August 23, 2022	- Major Development Pre-Application workshop. Public comments concerned the compatibility of the proposed density, tree preservation, parking, traffic, and drainage. See workshop summary letter in Attachment E.
December 14, 2022 -	Subject application submitted.
Jan. - Feb. 2023	- After review of arborist reports and resistograph test results, the County Arborist determines that adequate information has been provided to confirm the Project Arborist's observations of decay and defect in the 54.1-inch dbh Heritage valley oak (Tree No.3) and a 38.8-inch dbh Significant Valley oak (Tree No.26), which provide few options for adequate mitigation.
March 15, 2023	- The San Mateo County Historical Resources Advisory Board (HRAB) reviewed the Historical and Architectural Evaluation for the property, which concludes that the house and other structures at the property are not architecturally or historically significant.
August 14, 2023	- Application deemed complete.
October 19, 2023	- An Initial Study/Mitigated Negative Declaration was prepared and released for public review from October 19, 2023 to November 19, 2023.
November 29, 2023	- Planning Commission recommends that this Board of Supervisors approve the project, directing staff to review whether a sidewalk should be required by the County.
February 12, 2024	- Applicant submits revised plans incorporating a sidewalk into the design of the subdivision, which involves the removal of an additional 3 significant trees and a minor increase in project grading.
March 26, 2024	- Board of Supervisors public hearing.

DISCUSSION:

A. PLANNING COMMISSION ACTION

On November 29, 2023 the Planning Commission recommended that this Board of Supervisors approve the project. Public comments received at the public hearing focused on how the project would address existing drainage conditions in the neighborhood, sidewalk access in the

neighborhood, concerns related to reduced street parking and emergency access along Upland Road if construction vehicles are allowed to park along the road, the need for affordable housing units, concerns around the perceived sudden decline of Tree No. 3, and public noticing of the hearing.

Regarding drainage, members of the public described existing drainage concerns and staff described the location and type of proposed on-site drainage facilities which include bio-retention treatment basins. Regarding street parking, per Condition 33 (Mitigation Measure 17), all project-related construction vehicle parking shall be limited to on-site areas. Should street parking be necessary, any project-related on-street construction parking is subject to review and approval by the Project Planner and the County Department of Public Works. Street parking would be reduced along Upland Road due to construction of a new project driveway in addition to retention of the existing driveway. Regarding Tree No. 3, a 54.1-inch d.b.h. Heritage valley oak, a member of the public claims that the tree has been healthy but proper maintenance was not performed by the current owner. Regarding notice of the hearing, while members of the public stated that they did not receive a notice by mail, staff confirmed that the notices were sent to property owners within 500 feet of the project site prior to the hearing.

In making its recommendation, the Planning Commission directed staff to consider whether a sidewalk should be required by the Department of Public Works (DPW). Department of Public Works has required a sidewalk along Upland Road (see Condition 71). The Applicant has submitted revised plans incorporating a sidewalk into the design of the subdivision, which involves the removal of an additional 3 significant trees and a minor increase in project grading.

B. KEY ISSUES

1. Proposed General Plan Land Use Designation Amendment

While the project complies with the lot size and slope requirements of the Residential Hillside (RH) Zoning District, the proposed project density does not comply with the Low Density Residential land use designation of the County's General Plan, which allows for 0.3-2.3 dwelling units per net acre (du/ac). The proposed project density is 2.92 du/net ac and, therefore, the applicant proposes a General Plan Amendment to change the Land Use Designation from Low Density Residential to Medium-Low Density Residential, which allows for 2.4-6.0 du/net ac. and the proposed density of 3 lots.

As discussed in Section 11 of the IS/MND, the property is not contiguous to any County properties designated for Medium-Low Density Residential land use, however an area designated for Medium-Low Density Residential is located approximately 300 feet away on the north side of Hillcrest Drive. Also, across Upland Road to the south, denser residential areas in the City of Redwood City are located within close proximity of the parcel. These areas are shown on a map included as Attachment F of the IS/MND (Attachment D).

2. Conformance with the General Plan Policies

a. Urban Land Use

Policy 8.30 (*Infilling*) encourages the infilling of urban areas where infrastructure and public services are available. The project site is relatively larger in size, 44,721

sq. ft. (1.027 acres) compared to surrounding 5,000 sq. ft. - 20,000 sq. ft. residential parcels within the same RH Zoning District. The proposed project will allow better utilization of the comparably larger project site to fulfill urban land use objectives which seek to maximize housing opportunities in urban areas of the County and decrease the demand to construct housing in undeveloped areas.

b. Water Supply and Wastewater

Water Supply Policies 10.10 (*Water Suppliers in Urban Areas*) and 10.12 (*Coordination of Water Suppliers*) consider water systems as the appropriate water supply for urban areas and seek to ensure water providers have capacity commensurate with the level of development permitted by adopted land use plans. Additionally, Wastewater Policies 11.4 (*Adequate Capacity for Unincorporated Areas*) and 11.5 (*Wastewater Management in Urban Areas*) consider sewerage systems as the appropriate method of wastewater management in urban areas and seek to ensure adequate capacity is available for unincorporated areas. The proposed project has been preliminarily reviewed by the City of Redwood City, who confirmed the availability of adequate water supply and sewerage capacity. As required by Condition 72, Outside Service Agreements for two (2) water connections (existing house has a water connection) and three (3) sewer connections are required and subject to the approval of LAFCo and the City of Redwood City.

c. Housing Element

Policy HE 11 (*Amend Zoning and General Plan Land Use Designations to Meet Future Housing Needs*) encourages modification of General Plan land use designations and zoning regulations to accommodate the construction of needed new housing units. Policy HE 20.1 seeks to undertake General Plan amendments and/or rezoning of undeveloped and underutilized land for higher density residential and mixed-use development, as necessary, to meet the County's current and future Regional Housing Needs Allocation and to facilitate housing production countywide. The State of California requires each jurisdiction in the State to include a Housing Element as part of its General Plan, in which the County is required to demonstrate how the existing and projected housing needs of people of all income levels will be met.

3. Compliance with Subdivision Regulations

The project complies with the Subdivision Design and Layout requirements of Section 7020, including minimum lot size, lot dimensions and lot frontage (minimum of 20 feet).

Proposed Lot 2, a flag lot, meets the applicable requirements, including, but not limited to, that 1) the access corridor is not utilized in the calculation of minimum lot width, minimum and maximum lot depth, or minimum lot area; that 2) the access corridor is in fee ownership with the lot it accesses; and that 3) the access corridor has a minimum width along its entire length of twenty (20) feet. As discussed in Section A.4, the net size of Lot 2 (14,926 sq. ft.) exceeds the minimum lot size of 12,000 sq. ft.; the access corridor to Lot 2 is in fee ownership with Lot 2; and the access corridor exceeds the minimum

width of 20 feet at 25 feet, respectively.

As discussed in Findings 7 through 16 of Attachment A, staff has concluded that the findings required per Section 7013 to approve the subdivision can be made.

4. Compliance with Zoning Regulations

As shown in the table below, the proposed subdivision complies with the development standards of the RH Zoning District.

Development Standards	RH Zoning District	Proposed
Building Site Area	Lots 1&2 (less than 17% avg. slope): 12,000 sq. ft. Lot 3 (17.6% avg. slope): 13,000 sq. ft.	Lot 1: 12,010 sq. ft. Lot 2: 19,023 sq. ft. (Net: 14,926 sq. ft.) Lot 3: 13,687 sq. ft. (Net: 13,536 sq. ft.)
Minimum Front Setback	20 ft.	Complies*
Minimum Rear Setback	20 ft.	Complies*
Minimum Right Side Setback	10 ft.	Complies*
Minimum Left Side Setback	10 ft.	Complies*
* Based on conceptual building envelopes provided on Tentative Map		

5. Compliance with Grading Regulations

The proposed project requires approximately 935 c.y. of cut to accommodate the proposed driveways and sidewalk. Planning and Geotechnical staff have reviewed the proposal and submitted documents and determined that the project conforms to the criteria for review contained in the Grading Regulations. The findings and supporting evidence are outlined below:

- a. *That the granting of the permit will not have a significant adverse effect on the environment.* As stated in the IS/MND, the project would have a less-than-significant impact on the environment with the implementation of mitigation measures and standard requirements for erosion control.
- b. *That the project conforms to the criteria of the San Mateo County Grading Ordinance.* The project, as it will be conditioned, conforms to the criteria for review contained in the Grading Regulations, including an erosion and sediment control plan and dust control measures.
- c. *That the project is consistent with the General Plan.* As outlined earlier in Section A of this report, the project conforms to applicable components of the County's General Plan, provided that the General Plan Land Use Designation is changed from low density residential to medium-low density residential.

C. ENVIRONMENTAL REVIEW

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated for public review from October 19, 2023 to November 19, 2023. Main issues discussed are summarized

below:

1. Trees: The IS/MND includes discussion of the removal of one Heritage tree and six Significant trees. Since the release of the IS/MND, an additional three significant tree removals (Tree Nos. 42-44) have been proposed by the applicant for sidewalk construction. All proposed tree removals are listed in Table 1, with a description of tree health and reason for removal.

Table 1 - Proposed Tree Removals				
<i>Tree No.</i>	<i>Size and Species</i>	<i>Location</i>	<i>Health</i>	<i>Reason for Removal</i>
3 (Heritage)	54.1" dbh Heritage valley oak	Proposed Lot 1	Fair	Decay; poor condition with a high-risk failure
1	45.3" dbh Significant Red gum eucalyptus	Proposed Lot 2	Fair vigor; poor form	Located in shared driveway and conflict with fire access
14	12.8" dbh Significant Black acacia	Proposed Lot 2	Mostly dead	Located in shared driveway and conflict with fire access
15	18.9" dbh Significant Black acacia	Proposed Lot 2	Mostly dead	Located in shared driveway and conflict with fire access
26	38.8" dbh Significant Valley oak	Proposed Lot 2	Fair	Decay; poor condition with a moderate to high risk failure
42*	25.2" dbh Significant California pepper tree	Proposed Lot 3	Fair vigor; poor form	40% root zone removal for sidewalk construction
43*	12" dbh Significant Bailey acacia	Proposed Lot 3	Good vigor; poor form	50% root zone removal for sidewalk construction
44*	13.5" dbh Significant California pepper tree	Proposed Lot 3	Mostly dead; topped.	40% root zone removal for sidewalk construction
45	13.6" dbh Significant Coast live oak	Proposed Lot 3	Fair vigor and form	In driveway of future home; 65% root zone removal for sidewalk construction
46	16.4" dbh Significant California pepper tree	Proposed Lot 3	Mostly dead	Mostly dead; 45% root zone removal for sidewalk construction
<i>Notes: * Proposed additional tree removals associated with required sidewalk construction; Tree removed at any time.</i>				

Heritage Tree No. 3 and Tree No. 26

The County Arborist reviewed an arborist report prepared by Jeremy Ingalls, Certified Arborist (Project Arborist), dated February 8, 2022 for the removal of trees

including a 54.1-inch dbh Heritage valley oak (Tree No.3) and a 38.8-inch dbh Significant Valley oak (Tree No.26). The County Arborist requested that the Project Arborist complete a resistograph test to test for tree decay for Trees No.3 and No.26.

On February 6, 2023 an additional arborist report was submitted to the County as prepared by Mr. Ingalls, dated January 25, 2023. After review of the report, the County Arborist found that the resistograph tests confirm extent of decay in lower trunk sections of Trees No.3 and No.26, noting that the Project Arborist's observations of decay and defect in the upper canopy of both trees, provide few options for adequate mitigation measures (e.g., pruning or bracing). Per Condition 20, removal of Trees No.3 and No.26 is conditioned on an approved building permit on subdivided parcels where the trees are located. Additionally, Tree No.3 shall be replaced with two 48-inch box Valley oaks, and Tree No.26 with one 36-inch box Valley oak, in compliance with Mitigation Measure 4.

Increase in Proposed Tree Removals from 6 to 9 Trees after IS/MND

After the release of the IS/MND, the Department of Public Works required the installation of a sidewalk along Upland Road. The construction of the sidewalk would require the removal of an additional three trees (Trees No. 42-44; two California pepper trees and one Acacia tree) on proposed Lot 3, increasing the proposed tree removals from six to nine trees. The applicant submitted a letter from the Project Arborist dated February 9, 2024 which described significant root zone removal for each tree, and that the trees would be significantly impacted and would not be structurally sound after sidewalk construction.

The proposed additional tree removals would not significantly increase project environmental impacts such that would necessitate a re-circulation of the IS/MND, as the change would not involve removal of additional Oak trees, is necessary to improve public access, and trees would be replaced in compliance with Mitigation Measure 4 (updated to reflect current proposal).

2. Cultural/Historical Resources: Future development of Lot 2 of the project includes the demolition of the existing residence built in 1920. The applicant has submitted a Historical and Architectural Evaluation for the property, dated March 13, 2022 prepared by Bonnie Bamburg of Urban Programmers (Attachment D3 of the IS/MND). Urban Programmers concluded that the house, when compared to the landmark designation criteria for the County, does not appear to meet the level of original design or significant associations required by the criteria. On March 15, 2023 the County Historical Review Advisory Board (HRAB) found that the house and other structures at the property are not architecturally or historically significant. Historical Review Advisory Board found that the structures could be demolished with the following stipulations: a) Photograph (with high resolution camera) the exterior and interior of the house and outbuildings; and b) Salvage and save special elements such as art glass windows, redwood beams, and built ins. Staff has added Mitigation Measure 20 to require the owner to comply with HRAB's stipulations prior to demolition of the existing structures.

D. ALTERNATIVES

In addition to the recommended action, this Board of Supervisors may choose to continue its review of the project to request additional information; deny the project and identify findings for

such denial; or approve the project with amendments to the suggested conditions of approval.

E. REVIEWING AGENCIES

Building Inspection Drainage Section
Building Inspection Geotechnical Section
County Environmental Health Services
County Department of Public Works - Roads; Sanitation District
County Arborist
San Mateo County Fire Department
City of Redwood City
Local Agency Formation Commission
San Mateo County Historical Resources Advisory Board

The memorandum, recommended findings and conditions of approval, and resolutions have been reviewed and approved by the County Attorney's Office as to form.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS

- A. Recommended Actions, Recommended Findings, and Conditions of Approval
- B. Vicinity Map
- C. Tentative Parcel Map, received February 12, 2024
- D. Initial Study/Mitigated Negative Declaration (Attachments excluded here; Available at:
<https://www.smcgov.org/planning/general-plan-amendment-minor-subdivision-890-upland->
)
- E. Major Development Pre-Application Workshop Summary Letter
- F. Planning Commission Letter of Decision, dated December 4, 2023
- G. Project Justification Letter, dated November 28, 2022
- H. Letter from Project Arborist, dated February 9, 2024.