



# County of San Mateo

## Inter-Departmental Correspondence

---

**Department:** PLANNING AND BUILDING

**File #:** 23-334

Board Meeting Date: 5/23/2023

---

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

**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Community Development

**Subject:** Consideration of an appeal of the Planning Commission's decision to approve a Major Subdivision to construct a new four-story, 23-unit condominium development at 206 Sequoia Avenue in the unincorporated Sequoia Tract area of San Mateo County.

County File Number: PLN 2022-00136 (Canyon Vista Partners, LLC.)

**RECOMMENDATION:**

Recommendation to:

- A) Open public hearing
- B) Close public hearing
- C) Deny the appeal and uphold the Planning Commission's decision to approve the Major Subdivision, PLN 2022-00136, by making the required findings and adopting the conditions of approval contained in Attachment A and determine that no additional environmental review is required pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

**BACKGROUND:**

The appellant contends that the Planning Commission's decision should be reversed and a decision hearing for the project be held again due to inadequate notification to all interested parties for the February 8, 2023 Planning Commission public meeting. See Attachment J for complete appeal documents.

**Planning Commission Action**

At its public hearing on February 8, 2023, the Planning Commission considered the Major Subdivision and heard testimony from members of the public in opposition of the project. The Planning Commission acknowledged that although the proposed four-story building is considerably large in bulk and height in comparison to the immediate neighborhood, the project complies with County and State regulations and will provide needed housing. The Planning Commission approved

the Major Subdivision (5-0) on the basis that the proposed Major Subdivision complies with the County's General Plan, Inclusionary Ordinance, Subdivision Regulations, Zoning Regulations, and State Density Bonus Law.

### *Project Proposal*

The applicant is seeking a Major Subdivision to construct a new four-story, 23-unit residential condominium building (34,587 sq. ft. of habitable space) that includes a ground-level garage for 33 parking spaces, bike lockers, and storage on a legal 18,951 sq. ft parcel in the Sequoia Tract area of San Mateo County. Three (3) of the residential units will be designated for very low-income households and eight (8) of the units are proposed under the State Density Bonus Law. The residential units consist of three 1-bedroom units and 20 two-bedroom units. The existing one-story single-family residence and detached accessory buildings on the property will be removed to accommodate the proposed project. Earthwork associated with the project includes 385 c.y. of grading (360 c.y. of cut and 25 c.y. of fill) to accommodate the building pad and site work, and the removal of three (3) significant trees (one 15-inch diameter at breast height (dbh) Coast live oak, one 34- inch dbh Coast live oak, and one 20-inch dbh English walnut) within the building footprint.

Report Prepared By: Olivia Boo, Project Planner, [oboo@smcgov.org](mailto:oboo@smcgov.org) <<mailto:oboo@smcgov.org>>

Applicant/Owner: Canyon Vista Partners, LLC (c/o Ron Grove)

Public Notification: Pursuant to Section 7013.2 (*Noticing Requirements*) of the Subdivision Regulations, ten (10) day advanced notification for the Board of Supervisors hearing was (a) mailed to property owners within 500 feet of the project parcel, mailed to each agency expected to provide utility or other essential facilities or services to the subdivision, emailed to members of the public who have provided email addresses, and posted in a newspaper (San Mateo Times) of general public circulation on, or by, May 13, 2023; and (b) posted on the Planning and Building Department website on, or by, May 13, 2023. A 1/8-page newspaper notice was not required as the number of owners to whom notices were mailed to was less than 1,000.

Location: 206 Sequoia Avenue, Sequoia Tract

APN: 069-341-050

Size: 18,951 sq. ft.

Existing Zoning: R-3/S-3 (Multiple-family Residential/5,000 sq. ft. lot minimum)

General Plan Designation: High Density Residential (17.5 - 87.0 dwelling units/acre)

Sphere-of-Influence: City of Redwood City

Williamson Act: Not a property under contract.

Existing Land Use: Single-family Residential and various detached accessory structures.

Water Supply: California Water Service

Sewage Disposal: Fair Oaks Sewer Maintenance District

Flood Zone: Flood zone X (area of minimal flood hazard); FEMA Panel No. 06081C0303E, effective October 16, 2021.

Environmental Evaluation: The County of San Mateo adopted a Mitigated Negative Declaration (MND) for the rezoning and amendment of the general plan land use designation for the project parcel in order to support higher density residential development on May 18, 2021. The adopted MND evaluated the environmental impacts associated with future development of the property at the maximum density under the rezoning and revised land use designation, which would accommodate 15 residential units. The current project proposes 23 residential units, which complies with zoning and general plan density allowances but also takes advantage of State Density Bonus law to achieve 8 additional units above the 15 units allowed by the zoning and general plan standards. Staff has reviewed the increase in residential units and the current project proposal and has determined that the adopted MND adequately analyzes all potential impacts of the proposed project. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15164, the current project does not introduce substantial changes requiring major revisions of the previously adopted MND due to the identification of new significant impacts or substantial increases in the severity of previously identified significant impacts. Therefore, pursuant to CEQA Guidelines, Section 15164, staff has prepared an addendum to the previously adopted MND, see Section B. The addendum demonstrates that subsequent environmental review is not required. The mitigation measures from the previously adopted MND are included as recommended conditions of approval in Attachment A.

Setting: The project site is located in the densely urbanized Sequoia Tract community and is accessed directly from Sequoia Avenue, an improved public roadway approximately 300 feet south of its intersection with Woodside Road (Highway 84). The property is located approximately 1.5 miles east of Interstate 280 and 1.5 miles west of the intersection of El Camino Real (Highway 82) and Woodside Road (Highway 84). The property is bordered by a commercial and multi-family residential development to the north, and single-family residential development to the west, south and east (across Sequoia Avenue). The project parcel is currently developed with a single-family residence built in 1978.

Chronology:

<u>Date</u>	<u>Action</u>
August 17, 2020	Major Development Pre-application Public Workshop, PRE 2020-00006, for a General Plan Amendment and Rezone to R-3/S-3 (Multiple-family Residential/5,000 sq. ft. lot minimum) and a General Plan land use designation of High Density Residential (17.5 - 87.0 dwelling units per acre) to allow for higher density housing.
October 14, 2020	-General Plan Amendment and Rezone applications received, PLN 2020-00351.
January 4, 2021	-Applications deemed complete.
January 7 - 27, 2021	-Mitigated Negative Declaration public comment period or the General Plan Amendment and Rezone.
May 18, 2021	-Board of Supervisors approval for the General Plan Amendment and

Rezone.

- April 25, 2022 -Subject Application received, PLN 2022-00136.
- November 10, 2022 -Applications deemed complete.
- February 8, 2023 -Planning Commission public hearing.
- February 21, 2023 -Appeal of the Planning Commission's decision filed.
- May 23, 2023 -Board of Supervisors public hearing.

**DISCUSSION**

A) BASIS FOR APPEAL TO THE BOARD OF SUPERVISORS

The appeal requests that the Planning Commission's decision be reversed and a decision hearing for the project be held again before the Planning Commission due to allegedly inadequate notification to interested parties for the February 8, 2023 Planning Commission public meeting. The appeal further asserts that as a result, there was not adequate time for the appellant to notify neighbors of the February 8, 2023 Planning Commission public meeting, which allegedly reduced public attendance. The appeal states the public notification error was not mentioned during the Planning Commission meeting.

Staff's Response: According to County records, the appellant's email was included in the list of "interested parties" to receive special notices relating to this project. However, no email notification was sent to the appellant prior to the February 8, 2023 Planning Commission hearing, which was attended by the appellant and a number of additional interested parties.

Pursuant to Section 7013.2 (*Noticing Requirements*) of the County's Subdivision Regulations, the noticing requirements for a Major Subdivision requires notice of public hearing as follows: a) to be mailed, a minimum of ten (10) days prior to the public hearing, to property owners within a three hundred (300) foot radius of the boundaries of the subdivision and published once in a newspaper of general public circulation; b) notice of the public hearing shall also be posted on the Planning and Building Department website not less than ten (10) days prior to the date of the hearing; c) notice is required to be sent to all applicable affected public agencies. Pursuant to Section 7013.2(e), substantial compliance with these provisions for notice shall be sufficient and a technical failure to comply will not affect the validity of action or decision authorized by these regulations.

The project public notice was mailed to a five hundred (500) foot radius, an additional 200-foot radius than required, to be consistent with the Major Pre-application process (County File Number PRE2021-00047) that was completed prior to the subject Major Subdivision application. In addition, notification of the Planning Commission's public hearing was published in the San Mateo Times ten (10) days in advance of the meeting, and sent to affected public agencies, in compliance with sections "b and c" as described above. Noticing for the February 8, 2023 Planning Commission hearing for the project was therefore in substantial compliance with subdivision requirements, notwithstanding a failure to give special notice to a single interested party.

Moreover, the hearing before the Board of Supervisors constitutes an opportunity for the merits

of the application to be considered; the appeal documents raise no substantial issues regarding the project's compliance with applicable regulations and policies. Finally, the appeal document was an opportunity for members of the public who wished to make their positions on the application known to the Planning Commission, the Planning Department, and the Board of Supervisors, and the appeal document contains no assertions that the project fails to comply with the policies and regulations applied by the Planning Commission in its approval of the project.

## B) PROJECT COMPLIANCE WITH COUNTY REGULATIONS

### 1. Conformance with Inclusionary Housing Ordinance and State Density Bonus Law

The project proposes 23 condominium units, including 3 affordable units required under the County's Inclusionary Housing Ordinance and 8 units allowed under State Density Bonus law.

#### *Inclusionary Housing Ordinance*

The parcel's R-3/S-3 Zoning District establishes a minimum lot area per dwelling unit of 1,250 square feet. The zoning supports a maximum residential density of 15 units on the 18,951 sq. ft. parcel. Pursuant to the County's Inclusionary Ordinance, a minimum of 20% of the (15) units must be designated affordable. The project will comply with the Inclusionary Ordinance by restricting 20% (3) of the units to very low-income residents. Residential developments that provide inclusionary units on-site are eligible for density bonuses in compliance with the County's Density Bonus Ordinance and State Density Bonus Law. If the County ordinance and State law conflict, State law applies. To simplify this conformance review, the project is reviewed for compliance with State Density Bonus Law.

#### *State Density Bonus Law*

##### a. Density Bonus

Housing projects where at least 5% of the units are restricted to very low-income residents are entitled to a State-mandated density bonus. Because the project proposes to restrict 20% of the proposed 15 units to very low-income residents, the project qualifies for a 50% density bonus (8 units) under State law. Therefore, the project proposes a total of 23 units consisting of the 15 units allowed under local zoning, including 3 affordable units, and the 8 density bonus units.

##### b. Concessions

In addition to density bonuses, State law also provides "incentives" or "concessions" to projects that qualify for a density bonus. Because the project proposes to restrict 20% of the (15) total units to very low-income residents, State law authorizes three concessions. The applicant proposes the following project concessions:

##### (1) Setbacks

The proposed building walls and foundation will conform to the required minimum building setbacks; however, the project includes a concession for front, rear, and right-side yard setbacks to accommodate balconies on floors 2 - 4 that will encroach approximately 2 feet into the minimum required building setbacks.

(Minimums)	Required	Proposed
Front	20 ft.	20 ft. (building) 17 ft. (balconies, floors 2-4)
Rear	20 ft.	20 ft. (building) 17 ft. (balconies, floors 2-4)
Right Side	5 ft.	5 ft. (building) 2 ft., 11 in. (balconies, floors 2-4)
Left Side	5 ft. (10-ft. storm drain easement)	10 ft. (floors 1-2) 8 ft. (balconies, floors 3-4)

There is a 10-foot storm drain easement along the left side property line that is maintained by the County of San Mateo. According to the Department of Public Works, a minimum of 25 feet of vertical clearance above grade must be maintained within this 10-foot storm drain easement. Proposed floor 3 is over 27 feet above grade.

(2) Lot Coverage

The project proposes a maximum lot coverage of 67.8% to accommodate the 23 unit condominium building, which includes lobby area, package delivery storage area, bike repair station/storage, mechanical/utility rooms, stairs/elevators, trash enclosure area, building maintenance area, residential units and balconies.

	Required	Proposed
Maximum Lot Coverage	50%	67.8%

(3) Height

The project proposes a building height of 4 stories, 54 feet (to the top parapet). The proposed height includes ground level parking and three floors of residential units, along with parapet walls on the front and side building elevations for architectural interest.

	Required	Proposed
Maximum Building Height	3 stories/36 ft.	4 stories/54 ft.

c. Parking

State Density Bonus law prohibits the requirement of onsite parking in excess of the following ratios (Government Code Section 65915(p)):

Studio - 1 Bedroom	1 space
2 Bedroom - 3 Bedroom	1.5 spaces

The project proposes three 1-bedroom units and 20 two-bedroom units. A total of 33 onsite parking spaces will be provided, including 1 accessible space and 4 spaces for EV charging. Section 6118(a) of the County’s Zoning Regulations further allows density bonus projects to provide up to 50% of the required onsite parking as compact spaces (128 square feet). The project proposes 13 compact parking spaces.

	Required
1 Bedroom Units (3)	3 spaces
2 Bedroom Units (20)	30 spaces
Total	33 spaces

The County’s ability to restrict or deny density bonus units or concessions from otherwise-applicable local standards is limited by State Density Bonus law, which requires that the County approve those features if the project qualifies under the law.

2. Conformance with the General Plan

Staff has reviewed the project for conformance with the General Plan and determined that the project is in conformance with the applicable policies discussed below.

a. Soil Resources

Policy 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) seeks to minimize soil erosion and sedimentation.

The project involves 385 c.y. of grading, including 360 c.y. of cut and 25 c.y. of fill, for the building pad and site work. The parcel is a flat lot that supports an existing single-family residence that will be demolished to accommodate the new development. An erosion and sediment control plan for the project has been prepared by MacLeod and Associates and includes perimeter control (i.e., fiber roll), a stabilized construction entrance, and storm inlet protections to ensure soil and sediment is contained onsite.

b. Visual Quality

Policy 4.36 (*Urban Area Design Concept*) seeks to maintain and, where possible, improve upon the appearance and visual character of development in urban areas and ensure new development is designed and constructed to contribute to the orderly and harmonious development of the locality.

The project will revitalize and improve the development onsite by replacing an older 1970’s single-story, single-family residence with a new multi-family building with modern design and construction. The proposed architectural elements, including

flat roofs and elevation reliefs, and exterior materials and colors of the building work to provide visual interest and enhance the visual appearance of the proposed four-story building.

c. General Land Use

Policy 7.16 (*Land Use Objectives for Urban Areas*) and Policy 7.17 (*Appropriate Land Use Designations for Urban Areas*) encourages the designation of residential land uses in urban areas; and seeks to maximize the efficiency of public facilities, services and utilities; and revitalize existing developed areas and discourage urban sprawl, among other goals.

The Sequoia Tract community is defined as an urban area and has a mixture of land use designations. The subject property was rezoned to R-3/S-3 (Multiple-family Residential/5,000 sq. ft. lot minimum) with a General Plan land use designation amendment to High Density Residential (17.5 - 87.0 dwelling units per acre) on May 18, 2021 (County File Number PLN 2020-00351). The project proposes to increase the density of development on the parcel from an existing 1970's single-family residence to a 23-unit condo subdivision development. Specifically, the proposed density is 34.5 dwelling units per acre (not counting density bonus units), which complies with the parcel's High Density Residential land use designation. The proposed project continues residential use of the property and has received conditional approval from California Water Service-Bear Gulch and Fair Oaks Sewer District, thus will utilize existing public utilities. The proposal will support more efficient use and redevelopment of the parcel, while maintaining its residential land use designation and maintaining compliance with the parcel's zoning and general plan land use designation, and State Density Bonus law.

d. Urban Land Use

Policy 8.15 (*Land Use Compatibility*) seeks to protect existing single-family areas from adjacent incompatible land use designations which would degrade the environmental quality and economic stability of the area and encourage a mix of appropriate land uses that would enhance neighborhood quality and support pedestrian and bicycle activity.

The project proposes a multi-family residential development on the edge of a single-family residential community to the east and commercial corridor to the west; therefore, allowing better utilization of the larger 18,951 sq. ft. parcel for a transitional buffer of multi-family residential development between the higher intensity commercial corridor along Woodside Road, the existing adjacent multi-family residential development, and the lower density single-family residential Sequoia Tract neighborhood.

Policy 8.30 (*Infilling*) encourages the infilling of urban areas where infrastructure and services are available.

The project parcel is 18,951 sq. ft. in size. The proposed 23-unit condo building fulfills urban land use objectives by providing for increased housing on an underutilized parcel in an urban area of the County and avoiding urban sprawl. The

property is within walking distance to bus stops, Woodside Plaza and various commercial establishments on Woodside Road. The project has received preliminary approval by municipal service providers for continued services to the proposed development. Also, given the urbanized area of the project parcel, there is existing infrastructure (i.e., public transit, commercial development, etc.) to serve the proposed development.

Policy 8.35 (*Zoning Regulations*), Policy 8.36 (*Uses*), Policy 8.37 (*Density*), Policy 8.39 (*Height, Bulk, and Setbacks*), and Policy 8.40 (*Parking Requirements*) seek to ensure that development is consistent with land use designations through the continued use of zoning districts that establish specific development regulations, including but not limited to regulations for density, height, setbacks, and parking requirements.

The project parcel is zoned R-3/S-3 (Multiple-family Residential/5,000 sq. ft. lot minimum). Taking into account State Density Bonus provisions, the proposed development conforms to the R-3/S-3 zoning development standards, as discussed in Section B.3 below.

e. 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.

The project property is currently served by California Water Service, Bear Gulch District. The proposed project has been preliminarily reviewed and conditionally approved by California Water Service, Bear Gulch District for continued service to the proposed development.

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 property is served by Fair Oaks Sewer Maintenance District. The District has confirmed that their system has sufficient capacity to accommodate the additional flows from the proposed project density and has provided conditional approval for the project. Prior to the issuance of a building permit for development, the applicant will be required to mitigate the additional sewage to be generated by the project by completing a sanitary sewer project within the Sewer District to reduce the amount of inflow and infiltration (I/I) in its collection system. The mitigation work is necessary to offset the project's effect on Sewer District and City of Redwood City sewer capacity limitations by reducing or eliminating wet weather inflow and infiltration from the Sewer District that would otherwise be conveyed to the downstream agencies' sewer systems. The mitigation work will be limited to the Fair Oaks Sewer Maintenance District boundary and specifically determined by the District upon building permit application.

f. Transportation

Policy 12.21 (*Local Circulation Policies*) seeks to ensure local circulation systems function adequately to maximize freedom of movement for transportation users and allows adequate and safe access for various land uses.

The project site is located along Sequoia Avenue, an improved public roadway, which includes curb, gutter and sidewalk improvements commencing at the north side of the project property and extending to Woodside Road. The project includes an extension of curb, gutter and sidewalk along the property's street frontage. The project is not expected to result in an adverse impact to non-motorized travel or to existing access to amenities along Woodside Road, including public transit stops.

A traffic impact analysis assessment, prepared by RKH Civil and Transportation Engineering, was conditionally approved by the County Department of Public Works. The assessment calculated that the project will generate an estimated 11 vehicle trip ends during the afternoon peak hour of an average weekday and 140 total vehicle trip ends on an average weekday; thus, below the threshold to require a traffic impact study. However, the project is subject to the City/County Association of Governments of San Mateo County (C/CAG) Traffic Demand Management (TDM) Policy. The applicant has completed a preliminary TDM Checklist in accordance with the C/CAG policy that identifies measure that will be implemented to achieve the minimum percentage trip reduction requirements as defined by C/CAG through a combination of C/CAG's required and recommended TDM measures. These identified measures include, but are not limited to, monthly public transit or rideshare subsidies, secure bicycle storage, and reduced parking.

Additionally, the traffic impact analysis assessment uses the C/CAG Vehicle Miles Traveled (VMT) Estimation Tool to determine that the project falls below screening thresholds designed to identify projects that could result in a significant VMT impact. The project is located in an existing low VMT area and will not increase Vehicle Miles Traveled. Furthermore, the proposed development will provide off-street parking in compliance with State Density Bonus law requirements, which supersede the County's local requirements.

g. Housing Element

Policy Housing Element (HE) 43 (*Encourage Transit Oriented Development, Compact Housing, and Mixed-Use Development in Appropriate Locations*) and Policy HE 48 (*Promote Higher Density and Compact Developments*) promote higher density compact development, including residential, in appropriate locations countywide.

The project proposes a multi-family condominium subdivision development consisting of 23 units on a 18,951 sq. ft. parcel zoned for multi-family use and designated for high density development. The project parcel is adjacent to commercial and multi-family zoning districts and within walking distance to bus stops and commercial establishments along the nearby Woodside Road commercial and transit corridor where denser development is encouraged to reduce vehicular trips and provide needed housing within the County.

3. Conformance with the Zoning Regulations

The project parcel is zoned R-3/S-3 (Multiple-family Residential/5,000 sq. ft. lot minimum). Aside from the concessions mandated by State Density Bonus law, discussed in Section B.1., the project conforms to the applicable zoning standards as listed below:

<b>R-3/S-3 Zoning Standards</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
Minimum Average Lot Width	50 ft	87 ft.
Minimum Lot Area	5,000 sq. ft.	18,951 sq. ft.
Minimum Lot Area per Dwelling	1,250 sq. ft.	1,263 sq. ft
Minimum Setbacks*		
Front	20 ft.	20 ft. (building) 17 ft. (balconies, floors 2-4)
Rear	20 ft.	20 ft. (building) 17 ft. (balconies, floors 2-4)
Right Side	5 ft.	5 ft. (building) 2 ft., 11 in. (balconies, floors 2-4)
Left Side	5 ft. (10 ft. storm drain easement)	10 ft. (floors 1-2) 8 ft. (balconies, floors 3-4)
Maximum Lot Coverage*	50%	67.8%
Maximum Height*	3 stories/36 ft	4 stories/54 ft.
*Concession pursuant to State Density Bonus Law.		

*Parking*

See staff's discussion in Section B.1.c.

4. Conformance with the Subdivision Regulations

The proposed tentative map (Attachment D) for the major condominium subdivision has been reviewed by staff under the provisions of the County Subdivision Regulations which implement the Subdivision Map Act (California Government Code Section 66410, *et seq.*). The County's Drainage and Geotechnical Sections, Department of Public Works, Menlo Park Fire Protection District, Fair Oaks Sewer Maintenance District, and California Water Service, among other agencies, have reviewed the proposed project and found that, as conditioned, it complies with their respective standards.

In order to approve the major condominium subdivision, the Planning Commission must make the following findings as defined in Section 7013.3.b. of the Subdivision Regulations:

Subdivision Findings:

- 1.-2. That the proposed map and the design and improvements of the proposed subdivision is consistent with applicable general and specific plans. As discussed

in Section B.2, the proposed subdivision would result in an increase in the number of housing units on the site and would not exceed the General Plan land use designations for the property. Additionally, all public services and infrastructure are available to serve the proposed condominium lots.

3.-4. That the site is physically suitable for the type and proposed density of development. The proposed subdivision will support higher residential density on a property designated for high density residential development and will comply with zoning and general plan density requirements, with the exception of the bonus units and concessions required by State Density Bonus law. The project has been reviewed and conditionally approved by all applicable agencies. The site is in an urbanized area and is relatively flat with no sensitive resources on site or in the near vicinity. The site is therefore physically suitable for the type and the proposed density of development. Additionally, the project will be supported with water provided by California Water Service-Bear Gulch District and sewer service provided by the Fair Oaks Sewer Maintenance District.

5. That the design of the subdivision or type of improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as the site is not located near any water bodies or sensitive habitat areas. Additionally, the project would be required to minimize the transport and discharge of pollutants from the project site into local storm drain systems and water bodies by adhering to the San Mateo Countywide Stormwater Prevention Programs and General Construction and Site Supervision Guidelines throughout the duration of any subdivision improvements.

6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. There is no evidence to suggest that the project would create a public health problem or cause substantial environmental damage.

7.-8. That the design of the subdivision or the type of 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 existing or proposed access easements on the parcel.

9. 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 a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. The Fair Oaks Sewer Maintenance District has indicated that sewer capacity is available.

10. That, since the land is not subject to a Williamson Act Contract, the finding regarding Williamson Act Contract compliance related to sustaining agricultural use is not applicable.

11. That, since the land is not located in a very high fire hazard severity zone or state responsibility area, as defined in Section 51177 of the California Government Code, the project is not subject to the fire safety provisions of Section 7013.3.c.(11) (a-c) of the County Subdivision Regulations.

12. That, since the proposed subdivision does not include land designated in the County General Plan as open space and is not located in a state responsibility area or a very high fire hazard severity zone, the finding regarding consistency with open space purposes and the requirement for a recorded restriction prohibiting the development of a habitable, industrial or commercial building or structure is not applicable.

13. That pursuant to Section 7005 of the Subdivision Regulations, in carrying out the provisions of the Subdivision Regulations, the County has considered the effect of actions taken pursuant to these regulations on the housing needs of the region and the housing needs of the County as expressed in the Housing Chapter of the County's General Plan and has balanced these needs against the public service needs of residents. The proposed subdivision will support an increase in housing supply in the unincorporated Sequoia Tract area that is expected to be more affordable as condominium units than individual detached single-family residences; therefore, offering an additional option for home ownership in this neighborhood.

#### *In-Lieu Park Fees*

Section 7055.3 (*Fees In-Lieu of Land Dedication*) of the County Subdivision Regulations requires that, as a condition of approval of the tentative map, the subdivider pay an in-lieu fee prior to recordation of the Final Map. This fee is for acquisition, development or rehabilitation of County parks and recreation facilities, and/or to assist other providers of park and recreation facilities to acquire, develop or rehabilitate facilities that will serve the proposed subdivision. The section further defines the formula for calculating this fee. The fee for this subdivision is \$715,362.09; however, fees are based on the current land value provided by the County Assessor's Office at the time of payment and are subject to change. A worksheet showing the prescribed calculation is shown in Attachment. H.

#### 5. Tree Removal and Replacement

Section 12,012 of the County Significant Tree Ordinance defines a "Significant Tree" as a live woody plant rising above the ground with a single stem or trunk of a circumference of 38 inches or more (or 12 inches in diameter) measured at 4 1/2 feet vertical above ground. All significant trees require a permit for removal.

The project includes the removal of 3 significant trees, including one 15-inch dbh Coast live oak, one 34-inch dbh Coast live oak and one 20-inch English walnut, located within the proposed building footprint on the property. Replacement trees would be required to mitigate the loss of significant trees at a 1:1 ratio, minimum 15-gallon size stock. Additionally, as required under the County's Significant Tree Ordinance, a tree protection pre-site inspection will be required to ensure that all trees to remain are adequately protected prior to the start of any grading and/or construction activity.

#### C) ENVIRONMENTAL REVIEW

The County of San Mateo adopted a Mitigated Negative Declaration (MND) for the rezoning and amendment of the general plan land use designation for the project parcel in order to

support higher density residential development on May 18, 2021. The adopted MND evaluated the environmental impacts associated with future development of the property at the maximum density under the rezoning and revised land use designation, which would accommodate 15 residential units. The current project proposes 23 residential units, which complies with zoning and general plan density allowances but also takes advantage of State Density Bonus law to achieve 8 additional bonus units above the 15 units allowed by the zoning and general plan standards. Staff has reviewed the increase in residential units and the current project proposal and has determined that the adopted MND adequately analyzes all potential impacts of the proposed project. Pursuant to the CEQA Guidelines, Section 15164, the current project does not introduce substantial changes requiring major revisions of the previously adopted MND due to the identification of new significant impacts or substantial increases in the severity of previously identified significant impacts. Therefore, pursuant to CEQA Guidelines, Section 15164, staff has prepared the below addendum to the previously adopted Mitigated Negative Declaration. The addendum demonstrates that subsequent environmental review is not required. The mitigation measure from the previously adopted MND is included as a recommended condition of approval in Attachment A.

*Addendum to the Mitigated Negative Declaration for the General Plan Amendment and Rezone*

This addendum analyzes the impacts of the proposed project for 23 residential units and 385 c.y. of grading, which is an increase in density of 8 residential units and adds construction grading that was not foreseen and/or contemplated in the adopted Mitigated Negative Declaration (MND) for the General Plan Amendment and Rezone (PLN 2020-00351). Staff has reviewed the proposed project against the previously adopted MND and provides an updated analysis below for those applicable relevant environmental factors, including air quality, geology/soils, utilities and service systems, and transportation.

The proposed 23-unit residential condominium subdivision development remains subject to the Bay Area Air Quality Management District's (BAAQMD's) Basic Construction Mitigation Measures, including any subsequently BAAQMD adopted requirements, to minimize any potential temporary exposure of pollutants to nearby sensitive receptors to a less than significant level. Additionally, the increase in units from 15 to 23 would continue to fall below the BAAQMD's greenhouse gas (GHG) screening criteria for multi-family residential condominium development pursuant to Table 3-1 of the BAAQMD's May 2017 CEQA Guidelines.

As with the original project, construction will be subject to the California Building Code in effect at that time, which would require compliance with seismic code standards to maximize structural integrity and minimize loss of life or property in the event of an earthquake. Therefore, the project's potential to indirectly cause substantial adverse effects, including the risk of loss, injury, or death with respect to earthquake fault rupture would be remain less-than-significant.

As with the original project, construction would be required to adhere to the County's Erosion and Sediment Control Plan Best Management Practices for construction sites. Additionally, preliminary conditional approval has been provided by the Fair Oaks Sewer Maintenance District and California Water Service-Bear Gulch District, for adequate sewage and water service to the proposed 23-residential-unit development. Mitigation Measure 1 from the previously adopted MND for sewer mitigation remains applicable for the increase in units, as confirmed by the Fair Oaks Sewer Maintenance District, and has been retained in the

recommended project conditions of approval (Attachment A). With the exception of extending curb, gutter and sidewalk improvements along the project parcel's street frontage, the proposed development will be contained within the subject property's boundaries.

A traffic impact analysis assessment prepared for the proposed development has been reviewed and conditionally approved by the Department of Public Works for adequacy. The assessment concluded that the revised project, with 23 residential units, remains below the threshold to require a traffic impact study and below VMT screening thresholds to require a VMT analysis pursuant to Senate Bill 743 and CEQA Guidelines Section 15064.3. Therefore, the revised project would continue to have a less-than-significant VMT impact. The project is subject to compliance with C/CAG's TDM Policy for trip reduction, which is included in the recommended conditions of approval in Attachment A.

Staff has reviewed all areas of the MND and has determined that the revised project would not result in any new or increased impacts beyond those described for the original project.

D) REVIEWING AGENCIES

County of San Mateo Building Inspection Section (Drainage and Geotechnical)  
County of San Mateo Department of Public Works  
County of San Mateo Department of Housing  
County of San Mateo Environmental Health Services  
County of San Mateo Parks Department (Arborist)  
Menlo Park Fire Protection District  
California Department of Transportation  
District 4 California Water Service - Bear Gulch District  
Fair Oaks Sewer Maintenance District

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

FISCAL IMPACT

No fiscal impact.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (County File Number PLN2020-00351)
- C. Vicinity Map
- D. Plans
- E. Public Workshop Summary Letter, dated March 15, 2022
- F. Arborist Report, revised March 6, 2022
- G. Traffic Impact Analysis Assessment, revised May 4, 2022
- H. Park In-Lieu Fee Worksheet
- I. Planning Commission Decision Letter, dated February 21, 2023
- J. Appeal to the Board of Supervisors